United Nations A/57/379–S/2002/985

General Assembly
Security Council

Distr.: General
4 September 2002

Original: English

General Assembly
Fifty-seventh session
Item 45 of the provisional agenda*
Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Fifty-seventh year

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the ninth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the Statute of the Tribunal (see S/25704 and Corr.1, annex), which states:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly."

* A/57/150.
** The present report covers the period from 1 August 2001 to 31 July 2002.

02-58214 (E) 181002

Letter of transmittal

14 August 2002

Excellencies,

I have the honour to submit the ninth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 14 August 2002, to the General Assembly and the Security Council, pursuant to article 34 of the Statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(*Signed*) Claude **Jorda**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Ninth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The ninth annual report of the International Tribunal for the Former Yugoslavia covers the period from 1 August 2001 to 31 July 2002. The principal activity of the Tribunal in this period consisted in the effective implementation of its structural and operational reforms initiated in 2001, which sought to expedite the resolution of the cases before it in order to bring its mission to a close around 2010 (including appeals). The Tribunal has succeeded in keeping its commitments to the Security Council and is today operating at full capacity. Six simultaneous trials are being held daily, including that of the former head of State of the Federal Republic of Yugoslavia, which commenced on 12 February 2002.

During the reporting period many reforms building upon those undertaken in 2000 and 2001 were initiated, both internally and externally.

Internally, the Appeals Chamber underwent a significant reform to cope with the foreseeable increase in its workload. In November 2001, the Appeals Chamber of the Tribunal welcomed two additional judges from the International Criminal Tribunal for Rwanda, in accordance with Security Council resolution 1329 (2000). Moreover, an agreement on cooperation should make it possible to reorganize the Appeals Chamber, in particular, through strengthened structural ties with the Appeals Chamber of the International Criminal Tribunal for Rwanda and the rationalization of its working methods.

In addition, further to the proposal of the Registry, a reform establishing an international bar for defence counsel was undertaken. The bar will allow defence counsel to have an association which will ensure respect for their independence and professional ethics and provide them with training in international humanitarian law. Coupled with the setting up of an international bar are reforms to the code of professional conduct which, inter alia, prohibit fee-splitting between the accused and their counsel.

Externally, serious reflection on the implementation of the completion strategy for the Tribunal's mandate was initiated. This strategy is consonant with the proposals made by the President and the Prosecutor of the Tribunal to the Security Council in November 2001. Its main objective is to ensure that the first instance trials are completed around 2008. Accordingly, the President, the Prosecutor and the Registrar presented a joint programme of action proposing to focus the Tribunal's mission more on the prosecution of the crimes that most seriously violate international public order and, under certain conditions, refer some cases to national courts. In order to ascertain the extent to which the national courts of Bosnia and Herzegovina are able to try cases from the Tribunal, the President and the Prosecutor travelled to Bosnia and Herzegovina from 17 to 21 June 2002. They presented the conclusions of their study to the Security Council in July 2002 and advocated the

setting up of a special Chamber for trying war crimes within the State court of Bosnia and Herzegovina.

In addition, the President of the Tribunal played an active role in the implementation of the aforementioned reforms. He ensured that the internal reforms were being effectively carried out, initiating in particular that of the Appeals Chamber. He was also very involved in the drafting of the completion strategy for the Tribunal's mandate and proposed, together with the Office of the Prosecutor and the Registry, a report on the judicial status of the Tribunal and on the prospects for the referral of certain cases to the national courts. The President continued to increase his diplomatic activity and his meetings with representatives of the States of the international community with a view to defining, in particular, the mechanism for cooperating with the Tribunal.

The judges of the Tribunal held two regular plenaries and two extraordinary plenaries at which amendments were made to the Rules of Procedure and Evidence further to reports by the Rules Committee. The Rules Committee continued to examine the activity of the Tribunal with a view to obtaining the most up-to-date version of the Rules. It should be noted that an internal reform of the Rules Committee ensured better representation of the organs of the Tribunal and the defence. The proposed amendments to the Rules will now be the result of in-depth discussions which take into consideration the opinions and interests of the Office of the Prosecutor and the representatives of the defence counsel.

Following the arrival of new judges, the Chambers of the Tribunal were restructured. The Chambers now comprise 16 permanent judges (14 judges from the Tribunal and 2 judges from the International Criminal Tribunal for Rwanda) and 9 ad litem judges, all nationals of different States. In 2001-2002, Judges Almiro Simões Rodrigues (Portugal), Fouad Abdel-Moneim Riad (Egypt), Patricia Wald (United States of America) and Lal Chand Vohrah (Malaysia), left the Tribunal. Following the elections in November 2001, six new permanent judges assumed their duties: Judges Wolfgang Schomburg (Germany), Theodor Meron (United States of America), Amin El Mahdi (Egypt), Carmel A. Agius (Malta), Alphonsus Martinus Maria Orie (Netherlands) and O-Gon Kwon (Republic of Korea).

The first six ad litem judges, Judges Amarjeet Singh (Singapore), Maureen Harding Clark (Ireland), Ivana Janu (Czech Republic), Chikako Taya (Japan), Fatoumata Diarra (Mali) and Sharon A. Williams (Canada), were assigned by the Secretary-General, at the proposal of the President, to specific cases in September 2001. Three other ad litem judges, Judges Rafael Nieto-Navia (Colombia), Mohamed Fassi Fihri (Morocco) and Volodymyr Vassylenko (Ukraine), assumed their duties at the Tribunal between November 2001 and March 2002. In April 2002 Judge Per Lindholm (Finland) was assigned to replace Judge Amarjeet Singh, who was obliged to withdraw for health reasons.

The three Trial Chambers are each composed of three permanent judges and a maximum of six ad litem judges who serve in mixed sections of three judges each. In the period under consideration, the Trial Chambers ruled on approximately 30 cases and the Appeals Chamber examined about 20 interlocutory appeals and 8 appeals on the merits. Five judgements were rendered in the first instance in the *Krstić*, *Kvočka*, *Krnojelac*, *Sikirica* and *Čelebići* cases and two on appeal in the *Kupreškić* and *Kunarac* cases. The Appeals Chamber ruled on two reviews (*Delić* and *Jelisić* cases).

As regards judicial activities, the Office of the Prosecutor presented arguments in eight trials and worked on 14 cases in the pre-trial stage. The Prosecutor's penal policy continued to focus on the prosecution of the main political and military figures. As she anticipated, the Prosecutor increased her investigative and prosecutorial activity, which is always dependent on the willingness of the States of the region to cooperate actively in the handing over of evidence and arrests. It should be noted that the Prosecutor changed her policy as regards the use of secret indictments and continued to call upon the Member States and the competent international organizations to arrest fugitives accused. The Office of the Prosecutor also succeeded in implementing its strategy for exhuming mass graves. It completed its research into a site in Kosovo and supervised the work on nine other sites throughout the territory of the former Yugoslavia.

The Registry continued to exercise its responsibilities in organizing the hearings and assisting the Chambers and the Office of the Prosecutor. It also continued its work of administering the system of legal aid and supervised the operation of the Detention Unit. During the reporting period, the Detention Unit took in 20 additional accused, 12 of whom had surrendered voluntarily, that is, almost three times the number who had given themselves up in the period covered by the previous annual report.

The Registry continued its negotiations with the States in order to reach, inter alia, agreements on the enforcement of sentences. Such an agreement was concluded with Denmark in June 2002. The Registry had many discussions with the host country about the scope and application of the Headquarters Agreement.

The Registry information services responded to many requests from journalists resulting from the *Milošević* case. They ensured that the information was made available both internally and to the public and media and that the activity of the Outreach Programme was expanded within the territories of the former Yugoslavia.

Under the supervision of the Registrar, the Victims and Witnesses Section continued to guarantee assistance and security to the some 590 victims and witnesses called to appear at the Tribunal in 2001-2002. Furthermore, the voluntary contributions from Canada and the United Kingdom of Great Britain and Northern Ireland enabled the Section to open an office in Sarajevo to increase and improve assistance to victims and witnesses.

In its resolutions 55/225 A of 23 December 2000 and 55/225 B of 12 April 2001, the General Assembly decided to open a credit line of a net total of US$ 101,343,300 for the year 2001. The General Assembly also decided to try out a biennialized budget as of 2002. The expenses for the year 2001 amounted to a net total of $99,761,300.

On 23 October 2001, the Secretary-General of the United Nations submitted his report on the financing of the Tribunal (A/56/495 and Corr.1 and Add.1), which contained the proposed budget for the biennium 2002-2003. Following a re-evaluation of the costs, the requests amounted to a net total of $6,554,700. At its 97th plenary meeting, on 27 March 2002, the General Assembly adopted resolution 56/247 B, approving the opening (following a re-evaluation of the costs) of a credit line in the net amount of $233,169,800 for the Tribunal for the biennium 2002-2003. The Assembly approved a total of 1,052 posts for 2002-2003, an increase of 84 posts over 2001.

Contents

		Paragraphs	Page
I.	Introduction	1–8	10
II.	Activity involving the entire Tribunal	9–46	11
	A. The President	9–28	11
	1. Reforms	10–21	11
	(a) Internal reforms	12–17	11
	(b) External reforms	18–21	12
	2. Diplomatic relations and other representation	22–25	13
	3. Judicial activity	26–28	14
	B. The Bureau	29–31	14
	C. Coordination Council	32–33	14
	D. Management Committee	34–35	15
	E. Plenaries	36–37	15
	F. Rules Committee	38–43	16
	G. Judicial Practices Working Group	44–45	17
	H. Other activity	46	17
III.	Activities of the Chambers	47–206	17
	A. Composition of the Chambers	47–54	17
	B. Principal activities of the Chambers	55–206	18
	1. First instance cases	60–163	19
	(a) *Ademi*	62	19
	(b) *Banović, Fuštar and Knežević*	63–70	19
	(c) *Brđanin and Talić*	71–76	20
	(d) *Čelebići (Zdravko Mucić, Esad Landžo and Hazim Delić)*	77–78	21
	(e) *Češić*	79–81	21
	(f) *Deronjić*	82	21
	(g) *Galić*	83	21
	(h) *Gruban and Knežević*	84	21
	(i) *Hadžihasanović, Alagić and Kubura*	85–87	22
	(j) *Halilović*	88–91	22
	(k) *Krajišnik and Plavšić*	92–95	22
	(l) *Krnojelac*	96	23
	(m) *Krstić*	97	23

(n) *Kvočka et al.* 98 23
(o) *Ljubičić* 99 23
(p) *Martić* 100 23
(q) *Martinović and Naletilić* 101 23
(r) *Milošević* 102–105 24
(s) *Mrdja* 106 24
(t) *Mrkšić* 107–108 25
(u) *Nikolić (Dragan)* 109–117 25
(v) *Obrenović, Blagojević and Jokić* 118–125 25
(w) *Ojdanić and Šainović* 126 26
(x) *Sikirica et al.* 127–132 26
(y) *Simić et al.* 133–145 27
(z) *Stakić* 146–154 28
(aa) *Stanković* 155 28
(bb) *Strugar and Jokić* 156 29
(cc) *Vasiljević* 157–163 29
2. Appeals 164–206 29
(a) Interlocutory appeals 165–188 29
(i) *Brđanin* 170–171 30
(ii) *Galić* 172–173 30
(iii) *Hadžihasanović* 174–176 31
(iv) *Jokić* 177–179 31
(v) *Krajišnik and Plavšić* 180–182 31
(vi) *Krajišnik and Plavšić* 183–185 32
(vii) *Milošević* 186–188 32
(b) Appeals on the merits 189–200 32
(i) *Blaškić* 190–191 32
(ii) *Čelebići* 192 33
(iii) *Kordić* 193 33
(iv) *Krnojelac* 194 33
(v) *Krstić* 195 33
(vi) *Kunarac* 196–197 33
(vii) *Kupreškić* 198–199 34

(viii) *Kvočka* ... 200 34
(c) Requests for review ... 201–206 34
(i) *Delić* ... 203 35
(ii) *Jelisić* ... 204 35
(iii) *Josipović* ... 205 35
(iv) *Tadić* ... 206 35
IV. Activities of the Office of the Prosecutor ... 207–237 35
A. Overview ... 207–210 35
B. Activities of the Prosecutor ... 211–237 36
1. Trials in the first instance and on appeal ... 211–212 36
2. Arrest and surrender of the accused ... 213–217 36
3. Investigations ... 218–224 38
(a) General considerations ... 218–219 38
(b) Review of the investigations ... 220 38
(c) Indictments ... 221–222 38
(d) Exhumations: 2001-2002 ... 223–224 39
4. Cooperation ... 225–231 39
(a) Arrests ... 225 39
(b) Croatia ... 226 39
(c) Federal Republic of Yugoslavia ... 227 39
(d) Republika Srpska ... 228 40
(e) The former Yugoslav Republic of Macedonia ... 229 40
(f) Assistance in the territory of the former Yugoslavia ... 230–231 40
5. Other activities ... 232–237 40
(a) Universal Information System ... 232 40
(b) Rules of the Road ... 233–235 41
(c) Evidence collection ... 236 41
(d) Training ... 237 41
V. Activities of the Registry ... 238–323 41
A. Office of the Registrar ... 238–282 41
1. Immediate Office of the Registrar ... 239 41
2. Registry Legal Advisory Section ... 240–243 42
3. Public Information Services Section ... 244–256 42

(a) Press Unit 246-247 42
(b) Legal Unit 248–249 42
(c) Publications and Documentation Unit 250–252 43
(d) Internet Unit 253–256 43
4. Outreach Programme 257–266 44
5. Victims and Witnesses Section 267–270 44
6. Voluntary contributions 271–282 45
B. Judicial Support Division 283–307 46
1. Court Management and Support Services Section 284-291 46
2. Chambers Legal Support Section 292–296 47
3. Office of Legal Aid and Detention Matters 297–302 48
4. Detention Unit 303–304 49
5. Library 305–307 49
C. Administration 308–323 49
1. Budget and Finance Section 308–315 49
2. Human Resources Section 316 50
3. Conference and Language Services Section 317–320 50
4. General Services Section 321 50
5. Information Technology Services Section 322 50
6. Security and Safety Section 323 51
VI. Conclusion 324–328 51

Annexes

I. International Tribunal for the Former Yugoslavia: 38 indictments, 76 indicted persons 53
II. List of persons detained at the United Nations Detention Unit: 46 detainees 59
III. Persons publicly indicted by the International Tribunal who remain at large 64

I. Introduction

1. The present ninth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 describes in detail the activities of the Tribunal for the period from 1 August 2001 to 31 July 2002.

2. During the period under review, the Tribunal exerted efforts towards the efficient implementation of the reforms of its structure and operations initiated in January 2000, which, in particular, had led to the adoption of Security Council resolution 1329 (2000) of 30 November 2000, in which the Council had endorsed the establishment of a pool of ad litem judges and the appointment of two additional judges to the Appeals Chamber. The aim of the reforms was to institute pragmatic and flexible solutions enabling the judges to cope with the substantial increase in their workload and thus meet the needs of the accused and the expectations of the victims more effectively. This entailed, first, increasing the Tribunal's trial capacity by appointing ad litem judges to serve with the permanent judges in specific cases and, secondly, expediting proceedings by authorizing senior legal officers to participate in preparing cases and by bolstering the judges' powers of control and initiative.

3. The solutions recommended as part of those reforms have mostly been applied. During the reporting period, nine ad litem judges were appointed by the Secretary-General and sat with permanent judges in specific cases. Consequently, the number of first instance trials has risen significantly. The Tribunal is now honouring the commitments it made to the Security Council and is conducting six simultaneous trials every day, while in previous years it held only four. This heightened activity has produced a significant increase in the number of decisions rendered. Over the past year, the Trial Chambers have examined more than 20 cases and rendered five judgements on the merits.

4. In November 2001, in accordance with resolution 1329 (2000), two additional judges from the International Criminal Tribunal for Rwanda (ICTR), Judges Mehmet Güney and Asoka de Zoysa Gunawardana, joined the Tribunal's Appeals Chamber. This Chamber also had to deal with a very substantial increase in its workload, chiefly as a result of the reforms implemented at the trial stage. During the period, the Appeals Chamber rendered approximately 20 interlocutory appeals and two judgements on the merits. In order to cope with the rise in the number of cases on appeal and with a view to enhancing the organization of the Appeals Chamber, the judges of the Tribunal initiated a reform of the appeals structure resulting in amendments to the Rules of Procedure and Evidence, the adoption of Practice Directions and the strengthening of structural links between the Appeals Chambers of the Tribunal and ICTR.

5. Two further steps in the direction of reform involved the establishment of an international bar for defence counsel and amendment of the code of professional conduct. The bar will allow defence counsel to have an association that ensures respect for their independence and professional ethics and provides them with training in international humanitarian law.

6. The Tribunal embarked upon the considerations of its completion strategy. The President, the Prosecutor and the Registrar presented a joint programme of action for the three organs of the Tribunal (the Chambers, the Prosecutor and the Registry) to coordinate in winding down its mission. The programme of action supplements the aforesaid structural reforms with a view to bringing the Tribunal's activities to a conclusion in 2008 and is in keeping with the proposals of the President and the Prosecutor presented to the Security Council in November 2001. The programme is essentially two-pronged. It involves further focusing the Tribunal's mission on trying those crimes which most seriously violate international public order and, under certain conditions, referring cases to the national courts. As she recalled at a meeting with members of the Security Council on 27 November 2001, the Prosecutor has from the outset been directing her penal policy at prosecuting the major political and military leaders and leaving the lower-ranking accused to be tried by the domestic courts. In this respect, she considers that 50 intermediary-level accused may be tried on the national level. The Prosecutor and the President also underscored the need to guarantee before the referrals that the domestic courts have sufficient resources to the cases and, above all, that they operate in complete fairness and with respect for the principles of international humanitarian law and for the protection of human rights. To that end, the President and Prosecutor

travelled in June 2002 to Bosnia and Herzegovina, where they assessed the ability of the national courts to try cases of the Tribunal. And in July 2002, they presented to the Security Council their conclusions regarding the possible establishment of a court with special jurisdiction to try war crimes within the State Court of Bosnia and Herzegovina.

7. In accordance with her plans, the Prosecutor increased her investigative and prosecutorial activity to permit the completion of her investigations in 2004. The Office of the Prosecutor presented its case in eight trials and worked on about 10 cases at the pre-trial stage. It should be noted that the Prosecutor changed her position regarding secret indictments and opted for greater involvement of the States in searching for and arresting the accused. The investigations of the Office of the Prosecutor remain dependent upon the will of the States of the former Yugoslavia to cooperate actively in handing over evidence.

8. Several of the accused, including some of the high-ranking military and political officials, remain at large. The full cooperation of the States of the international community remains a sine qua non if the reforms already implemented and those now under consideration are to succeed. The Tribunal must continue to enjoy this cooperation, which is crucial to the accomplishment of its mandate.

II. Activity involving the entire Tribunal

A. The President

9. The President continued to work towards the implementation of the fundamental reforms of the Tribunal's structure and operation. In particular, he set out to reform the Appeals Chamber and participated in the project to establish an international defence counsel association. Together with the Prosecutor and the Registrar, the President also undertook an examination of the strategy for completing the Tribunal's mandate. He was very active in the diplomatic arena and received many representatives of States and national and international organizations.

1. Reforms

10. The President ensured that Security Council resolution 1329 (2000) was implemented by requesting the Secretary-General to appoint ad litem judges where necessary. The judges were then assigned to a specific case in accordance with article 13 ter (2) of the Tribunal's Statute. During the reporting period, the following nine ad litem judges served with the permanent judges in the following cases: Judge Amarjeet Singh (Singapore) was assigned on 18 July 2001 to the case *The Prosecutor v. Simić et al.* (IT-95-9); Judge Maureen Harding Clark (Ireland) was assigned on 9 August 2001 to the case *The Prosecutor v. Naletilić and Martinović* (IT-98-34); Judge Ivana Janu (Czech Republic) was assigned on 9 August 2001 to the case *The Prosecutor v. Vasiljević* (IT-98-32); Judge Chikako Taya (Japan) was assigned on 9 August 2001 to the case *The Prosecutor v. Vasiljević* (IT-98-32); Judge Fatoumata Diarra (Mali) was assigned on 18 July 2001 to the case *The Prosecutor v. Naletilić and Martinović* (IT-98-34); Judge Sharon A. Williams (Canada) was assigned on 9 August 2001 to the case *The Prosecutor v. Simić et al.* (IT-95-9) and, on 12 June 2002, to the case *The Prosecutor v. Simić* (IT-95-9/2); Judge Rafael Nieto-Navia (Colombia) was assigned on 29 November 2001 to the case *The Prosecutor v. Galić* (IT-98-29); Judge Mohamed Fassi Fihri (Morocco) was assigned on 21 March 2002 to the case *The Prosecutor v. Stakić* (IT-97-24); Judge Volodymyr Vassylenko (Ukraine) was assigned on 21 March 2002 to the case *The Prosecutor v. Stakić* (IT-97-24); and Judge Per Lindholm (Finland) was assigned on 4 April 2002 to the case *The Prosecutor v. Simić et al.* (IT-95-9), replacing Judge Amarjeet Singh, who was obliged to withdraw from the case for health reasons. Judge Per Lindholm was also assigned to the case *The Prosecutor v. Simić et al.* (IT-95-9/2) on 12 June 2002.

11. During the period under review, the President pursued the reforms initiated in early 2001 with a view to expediting the cases before the Tribunal and thus completing the Tribunal's mission in 2008. Internally, the President carried out the reform of the Appeals Chamber while, externally, he actively participated in the process of the joint consideration of the Tribunal's completion strategy.

(a) Internal reforms

12. The first aspect of the reforms initiated internally concerns the Appeals Chambers of the Tribunal and ICTR. During 2001-2002, the Tribunal's Appeals Chamber underwent a number of significant structural and organizational reforms. In September 2001, the President submitted to his colleagues a four-part report

entitled "Reform plan for the Appeals Chambers — structural, organizational and substantive aspects". The document first offers a statistical presentation on the current and future status of the Appeals Chambers of the Tribunal and ICTR, which shows an unprecedented rise in the number of cases on the docket of the two Chambers. The reform plan next sets out a list of proposals to improve the organization, management methods and proceedings of the Appeals Chambers in order to cope with the foreseeable increase in their workload. For each stage of the proceedings, a table sets out the problems linked to appeal organization, management and proceedings before the two Appeals Chambers. The document also puts forward three types of solutions designed to guarantee that the case law of the Appeals Chambers is consistent: a new structural organization, the introduction of a system for exchanging information more regularly, and the creation of a database shared by the two Appeals Chambers. Lastly, the plan presents some general comments on the nature of the appeals.

13. The reform plan was presented to the ICTR judges at the seminar held by judges of the two Tribunals in Dublin from 12 to 15 October 2001. In general, the ICTR judges welcomed the proposals in the plan.

14. The reform of the Appeals Chamber necessitated the amendment of several rules in the Rules of Procedure and Evidence and the amendment and adoption of Practice Directions applicable to appeals procedure. On 5 and 7 March 2001 respectively, the President amended two Practice Directions, one on the length of briefs and motions (IT/184 Rev.1) and the other on the procedure for filing written submissions in appeal proceedings before the Tribunal (IT/155 Rev.1). The amendments chiefly consisted of the addition of a provision enabling the Appeals Chamber to punish parties failing to respect the directives. Furthermore, on 7 March 2001, the President adopted a new Practice Direction on the formal requirements for appeals from judgements (IT/201) which makes it possible to resolve the often unclear and ambiguous nature of the written submissions filed by parties. Moreover, in April 2002, at the proposal of the Appeals Chamber, the judges of the Tribunal adopted an amendment to rules 72 and 73 of the Rules of Procedure and Evidence restricting applications for leave to appeal to issues certified by the Trial Chamber.

15. The President also sent internal memoranda to the judges of the Appeals Chamber proposing the rationalization of the methods used by the two Appeals Chambers for preparing and drafting interlocutory decisions and judgements. In addition, the suggestion was made to set up a database for the Tribunal's case law to simplify the work of the judges and staff in the Chambers.

16. Lastly, the joint efforts of the Registrars of the two Tribunals should lead to an agreement on cooperation between the Tribunal and ICTR, allowing for a restructuring of the two Appeals Chambers which would do away with their excessive compartmentalization.

17. The second aspect of the internal reforms relates to the plan presented by the Registrar of the Tribunal to establish an international bar for defence counsel. The President supported the initiative, as it would result in better-trained defence counsel, which would in turn make the operation of the Tribunal more efficient. The judges accepted the principle of establishing an international bar.

(b) External reforms

18. In presenting his reform programme to the Security Council in November 2001, the President raised the possibility of referring some cases to the domestic courts under certain conditions and also reiterated that the primary focus of the Tribunal should be on trying persons whose crimes most seriously violated international public order. He furthermore emphasized the need to ensure before referring cases to domestic courts that they had sufficient resources and were fully prepared to take on the cases.

19. In January 2002, the President, the Prosecutor and the Registrar set up a working group to consider the problems involved in implementing a case referral process. In February 2002, they sent a joint letter to the Secretary-General, informing him of their initiative. In March and April 2002, they met with the members of the Office of the High Representative for Bosnia and Herzegovina tasked with reforming the State's judicial system and worked out with them a course of action which took into consideration their respective priorities.

20. In April 2002, the President, the Prosecutor and the Registrar drew up a report on the judicial status of the International Tribunal and on the prospects for referring certain cases to national courts. The main purpose of the document was to provide the Secretary-General, the members of the Security Council, the High

Representative in Bosnia and Herzegovina and the national authorities concerned with avenues of thought which would enable them to take the appropriate measures to enable the Tribunal to combat more efficiently the impunity of the major war criminals and fully render justice to the victims. The report contains two main sections: a statistical evaluation of the activity of the Office of the Prosecutor and the Chambers for determining the scope of the referral process to be undertaken, and a presentation of the main obstacles to the referral of cases to the courts of Bosnia and Herzegovina and of the reforms which must be implemented in order to overcome them. It specifies that the cases which might be referred to the national courts would mainly be those involving accused who held a position of command at an intermediary level between the major political and military leaders indicted and tried by the Tribunal and the low-ranking subordinates indicted and tried by the national courts pursuant to the Rome Agreement of 18 February 1996.

21. At an extraordinary plenary session on 23 April 2002, the President, the Prosecutor and the Registrar presented the report to the judges of the Tribunal, who endorsed the main directions set out therein. The President and the Prosecutor travelled to Bosnia and Herzegovina with the Deputy Registrar from 17 to 21 June 2002 to examine concretely to what extent, under what conditions and when cases might be referred to the authorities of the country. They met the members of the Presidency, the Council of Ministers and the Parliament of Bosnia and Herzegovina as well as the members of the Presidency and the Government of the Federation of Bosnia and Herzegovina and of Republika Srpska. They also met with prosecutors and judges from the two entities, with the High Representative in Bosnia and Herzegovina, Lord Ashdown, and with other representatives of the international community. The members of the delegation succeeded in gathering additional information on the operation of the judicial system of Bosnia and Herzegovina and any difficulties it had encountered in punishing war crimes and also engaged in constructive dialogue with the national and international political and judicial authorities regarding the new directions to be taken by the Tribunal for the successful completion of its mandate. On 23 July 2002, the President, the Prosecutor and the Registrar submitted their report to the Security Council, which approved the main directions set out therein.

2. Diplomatic relations and other representation

22. In 2001-2002, the President met at the seat of the International Tribunal as well as during his travels abroad with representatives of States and national and international organizations. He met with the Minister for Foreign Affairs of Romania and the Minister of Justice of Portugal and also received the ambassadors of the United States of America posted at The Hague and in the Balkans and the roving ambassador. During his meeting with the ambassadors, the President responded to questions put to him concerning war crimes and indicated the directions set by the Tribunal to wind down its mission gradually and in a coordinated manner. The diplomatic meetings also focused on the definition of the objectives and mechanism for cooperation between States and the Tribunal in such areas as the arrest of accused and the framework agreements with States responsible for the enforcement of sentences. In that connection, the President discussed with the Deputy Prime Minister of Croatia the problem of cooperation and the arrest of the accused and met with the Prime Minister and the Minister of Justice of Republika Srpska. He also had the opportunity to describe the activities and the penal policy of the Tribunal to many parliamentary delegations from Republika Srpska, Malta, the former Yugoslav Republic of Macedonia and Serbia as well as two French judges, a delegation of judges from the Republic of Moldova and a delegation of lawyers from Kosovo.

23. At a diplomatic seminar in June 2002 attended by almost 80 diplomats representing 70 States, the President set out the main directions of the Tribunal's completion strategy. And during an April 2002 visit of a group of experts, among them the High Representative in Bosnia and Herzegovina, he had had the opportunity of updating his knowledge of the political and judicial situation of Bosnia and Herzegovina and, on a broader scale, of the prospects for referring cases to the courts of the States of the former Yugoslavia.

24. As part of his representation activity, the President addressed the Security Council and the General Assembly in November 2001 to present the eighth annual report of the International Tribunal covering the period from 1 August 2000 to 31 July 2001 (A/56/352-S/2001/865). In addition, he attended a public hearing at the International Court of Justice on the occasion of the visit of their Majesties the King and Queen of Spain to The Hague.

25. On 7 December 2001, the President and the Registrar also took part in a seminar on the establishment of an international criminal bar for the future International Criminal Court. The discussions at the seminar aided in the joint ongoing consideration of the plan to establish an international bar for defence counsel for the Tribunal. On 11 April 2002, the President welcomed the decision to establish the International Criminal Court, stating that the mission being carried out by the International Tribunals for the Former Yugoslavia and for Rwanda will be continued and expanded upon by a Court with universal jurisdiction.

3. Judicial activity

26. By virtue of the powers invested in him by the Statute, the Rules of Procedure and Evidence and the Directions of the International Tribunal, the President issued many orders during the reporting period.

27. The President granted requests for early release, in particular, from Zlatko Aleksovski and Dragan Kolundžija on 14 November and 5 December 2001 respectively. Moreover, he issued orders varying protective measures, appointing judges to a bench of the Appeals Chamber and assigning ad litem judges to trials.

28. The President received two requests for compensation from the brothers Zoran and Mirjan Kupreški on 21 December 2001 and 7 February 2002 respectively. Upon learning of the Appeals Chamber decision of 23 October 2001 acquitting both of them on all counts, the brothers had claimed a right to compensation for their wrongful conviction and imprisonment. In letters dated 22 May 2002, the President recalled that neither the Statute nor the Rules of Procedure and Evidence of the Tribunal granted the right to compensation to persons wrongly prosecuted and convicted and that, without any specific provision in the Tribunal's founding texts, it was not possible for the judges of the Tribunal to rule on the matter. In correspondence dated 19 September 2000, the President referred the issue to the Secretary-General and, on 6 March 2002, sought the opinion of the President of the Security Council on the matter.

B. The Bureau

29. The composition of the Bureau has changed over the reporting period. The Bureau is presided over by the President of the Tribunal, Judge Claude Jorda, who is assisted by Judge Mohamed Shahabuddeen, Vice-President, and Judges Richard May, Wolfgang Schomburg and Liu Daqun, the Presiding Judges of the three Trial Chambers.

30. In accordance with rule 23 of the Rules of Procedure and Evidence, the President consults the members of the Bureau on all major questions relating to the functioning of the Tribunal. The Chef de Cabinet acts as Executive Secretary of the Bureau and prepares, inter alia, the meetings organized after consulting all the members. The Registry was often invited to join the meetings in order to assist the members of the Bureau in their discussions.

31. Fundamentally the role of the Bureau has not changed since the previous reporting period. The Bureau continues to address all legal issues and other problems relating to the judicial organization of the Tribunal. It met on several occasions to discuss general questions such as the assignment of judges to the Appeals Chamber and amendments to the Rules of Procedure and Evidence. It mainly took decisions on: the implications of rule 92 bis, entitled "Proof of facts other than by oral evidence", the organization of work of the Chambers and the role of the senior legal officers, translation and interpretation problems, the involvement of the ad litem judges in the pre-trial phase, and the harmonization of the conditions for the early release of the accused. The Bureau also addressed the situation of the victims and witnesses called to appear and, more specifically, the excessive amount of time between their arriving at The Hague and testifying. Moreover, the requests for compensation of persons wrongly accused were also raised by the members of the Bureau because of the lack of relevant provisions in the texts.

C. Coordination Council

32. Pursuant to rule 23 bis of the Rules of Procedure and Evidence, the Coordination Council is presided over by the President, Judge Claude Jorda, the Prosecutor, Mrs. Carla Del Ponte, and the Registrar, Mr. Hans Holthuis. The composition of the Council has not therefore been changed since its establishment in December 2000. If any of the members are unavailable, they may be represented ex officio respectively by the Vice-President, the Deputy Prosecutor and the Deputy Registrar. The Council, presided over by Judge Jorda,

meets once a month at the request of the President to ensure that the activities of the three organs of the Tribunal are coordinated in a spirit of cooperation while respecting the responsibilities and independence of each of its members.

33. Council meetings enable the principal organs of the Tribunal to maintain a constructive and permanent dialogue allowing them to evaluate their respective needs on a regular basis and to overcome the difficulties which the Tribunal encounters in the fulfilment of its mission. In the period under review, the Council met nine times. During these meetings, various aspects of the activity of the main organs were addressed, including the budget, the organization of judicial activities, the possibility of referrals to national courts and the Outreach Programme. The Council also reflected on a completion strategy for the Tribunal taking into account the need for a resolute attitude, and set up a working group on referrals. This led to the drafting of the report referred to above (see paras. 20 and 21).

D. Management Committee

34. Created in December 2000 pursuant to a proposal by the "Working Group on Additional Reforms following the Judges Joint Seminar (ICTY and ICTR)", in Ascot, United Kingdom of Great Britain and Northern Ireland, the Management Committee plays a crucial role in that it coordinates the preparation and implementation of the budget of the Tribunal, with the exception of budgetary lines specific to the activities of the Office of the Prosecutor. Pursuant to rule 23 ter of the Rules, the Committee assists the President in the exercise of his functions under rules 19 and 33 of the Rules of Procedure and Evidence with regard to all Registry activities relating to administrative and judicial support to the Chambers and the judges. The Committee ensures that the priorities and needs of the Chambers are taken into account by the Registry.

35. The Management Committee is presided over by Judge Claude Jorda, President of the Tribunal; Judge Mohamed Shahabuddeen, Vice-President; Judge Fausto Pocar, elected by the judges during the plenary; Hans Holthuis, Registrar; Bruno Cathala, Deputy Registrar; and Christine De Liso, Chief of Administration. The composition of the Committee changed during the reporting period. As some of its functions overlap with those of the Coordination Council, the Committee held only two meetings during the period. The principal subjects of discussion were the general status of the Tribunal and cases, and the problem of the average length of witnesses' stays in The Hague. The Committee and the administration also addressed the problem of office space caused by the arrival of the ad litem judges.

E. Plenaries

36. The judges held four plenaries during the reporting period: two regular sessions, the 25th plenary on 12 and 13 December 2001 and the 26th plenary on 11 and 12 July 2002, and two extraordinary sessions on 6 November 2001 and 23 April 2002.

37. At the plenaries, the judges examined the following issues:

- *Reform of the Appeals Chamber of the Tribunal.* Following discussions at the joint seminar with the ICTR judges in Dublin from 12 to 15 October 2001, the judges of the Tribunal assessed the status of the Appeals Chamber reform at the plenaries. They reviewed the President's reform plan with a view to guaranteeing consistency in the jurisprudence of the ad hoc Tribunals and improving appeals management.
- *Completion strategy for the Tribunal's mandate through the referral of cases to the courts of the States of the former Yugoslavia.* The 23 April 2002 plenary was largely devoted to the redirection of the completion strategy for the Tribunal's mandate. The joint report of the President, the Prosecutor and the Registrar, setting out the Tribunal's policy guidelines for the years to come, was presented to the judges. Generally, the judges agreed with the major directions set out in the report.
- *Amendments to the Rules of Procedure and Evidence and the Practice Directions.* After reviewing the proposals of the Rules Committee, the judges adopted many amendments to the Rules of Procedure and Evidence, including rules 62 ter, 68 bis and 126 bis. There was much debate about the amendment to rule 11 bis of the Rules which would allow certain cases to be referred to the national courts, in particular those of the States of the former Yugoslavia. Moreover, the judges adopted amendments to the Practice Direction governing the work of the Rules Committee.

- *Assignment of judges to the Appeals Chamber*. The matter of assigning judges to the Appeals Chamber was the subject of the extraordinary plenary session of 6 November 2001. On that occasion the judges sought to determine whether a judge of nationality X might be assigned to the Appeals Chamber and, consequently, to that of ICTR if another judge of ICTR was of the same nationality. The aim was to establish for the particular case of the Tribunal the specific criteria to be applied regarding the nationality of a judge when composing the Chambers. In a letter dated 14 November 2001, the President of the Tribunal referred the matter to the President of the Security Council. The Council in its resolution 1411 (2002), adopted at its 4535th meeting, recognizing "that persons who are nominated for, or who are elected or appointed as, judges of the International Tribunal for the Former Yugoslavia or of the International Tribunal for Rwanda may bear the nationalities of two or more States", and considering "that, for the purposes of membership of the Chambers of the International Tribunals, such persons should be regarded as bearing solely the nationality of the State in which they ordinarily exercise civil and political rights", decided to amend article 12 of the Statute of the Tribunal and Article 11 of the Statute of ICTR accordingly.

- *Other issues*. At the plenary sessions, the Registrar addressed various questions relating to the defence, in particular the establishment of an international bar for defence counsel and negotiations on a headquarters agreement with the host country. The problem of translating legal and other working documents was also raised. A committee was set up to examine translation requests on the basis of the urgency of the request and the capacity of the services in question. At the 26th plenary, the judges adopted the annual report.

F. Rules Committee

38. Since the twenty-fourth plenary session in July 2001, the judges held three plenary sessions to amend the Rules of Procedure and Evidence. Several procedural or "internal" amendments were made in order to enhance the Tribunal's ability to conduct trials fairly and expeditiously.

39. At the twenty-fifth plenary session, in December 2001, the judges approved the amendments to the Practice Direction on the procedure for the proposal, consideration and publication of amendments to the Rules of Procedure and Evidence of the International Tribunal (IT/143), governing the structure of the Rules Committee. As a consequence, the Committee is composed of at least three of the permanent judges of the Tribunal (currently Judges Hunt, El Mahdi and Agius) and representatives of the Registry, the Office of the Prosecutor and defence counsel, though the latter have no voting rights. This broader representation contributed towards reinforcing the Committee's advisory role when examining proposals to amend the Rules.

40. During the period under review, rules 28, 44, 46, 54 bis, 65, 65 ter, 67, 69, 72, 73, 75, 77, 77 bis, 91, 94 bis, 108, 111, 112, 116 bis, 119 and 126 were amended. Of note was the Committee's proposal to amend certain aspects of the procedure for holding an individual in contempt of the Tribunal, in particular, by granting the Chamber concerned the possibility of requesting an investigation. Furthermore, as indicated above, rules 72 and 73 were amended so that all preliminary and other motions, except for those challenging jurisdiction, could be subject to interlocutory appeal only if the Trial Chamber which had rendered the impugned decision certified that it would be appropriate.

41. At the proposal of the Committee, the judges adopted three new rules: rule 62 ter regarding the plea agreement procedure, rule 68 bis allowing the Pre-Trial Judge or the Trial Chamber to decide on sanctions to be imposed on a party which failed to perform its disclosure obligations pursuant to the Rules, and rule 126 bis concerning the time limit for filing responses to motions.

42. At the plenary on 23 April 2002, the Committee submitted a proposal to amend rule 11 bis of the Rules, entitled "Referral of indictment to national courts", which had also been presented in the report referred to in paragraphs 20 and 21 above. The implementation of the referral process would require a rewording of rule 11 bis, extending its field of application to allow certain cases to be referred to the courts of the State in whose territory the crimes were committed; to authorize the referral of cases involving accused not in the custody of the Tribunal; to enable the Tribunal to take the necessary steps to ensure that the accused to be tried in the national courts will have to answer for all

of the crimes specified in the indictments; to allow the Tribunal to compel the national judicial authorities to respect the protective measures ordered for the victims and witnesses; to specify the criteria for referring a case; and to authorize the competent Trial Chamber to decide *proprio motu* on the referral of a case after having offered the Prosecutor and, where applicable, the accused the opportunity of being heard. Following a lengthy discussion, the judges of the Tribunal decided to mandate the President to bring the matter before the Security Council.

43. Amendments were also made to the Rules at the twenty-sixth plenary session, held in July 2002. Further details concerning the amendments made during the reporting period are contained in Tribunal documents IT/199, IT/203 and IT/207.

G. Judicial Practices Working Group

44. The Judicial Practices Working Group, an informal group composed of representatives of the Chambers, the Registry, the Office of the Prosecutor and the defence, put forward a number of considerations which were taken up by the Rules Committee. The Group's functions overlapped in part with those of the Rules Committee, which had become more representative through the closer involvement of the Prosecutor and the defence. At its single meeting during the reporting period under consideration, the Group examined the guilty plea issue and the problem of disclosing evidence further to rule 68 of the Rules.

45. The Working Group considered that the guilty plea should originate solely from the accused and should not result from an agreement between the parties. In addition, concerned by instances of partial disclosure of evidence by the Office of the Prosecutor, the Group highlighted the considerable difficulties in applying rule 68 of the Rules, entitled "Disclosure of exculpatory material". Acknowledging the logistical and organizational problems of the Office of the Prosecutor and the limited capacity of the Tribunal's translation services, the Group considered the possibility of setting out criteria for determining to what extent a given document might contribute to establishing the innocence of an accused, diminishing his responsibility or affecting the credibility of evidence.

H. Other activity

46. On the initiative of the President of the Tribunal and in cooperation with the Outreach Programme, four judges of the Tribunal, Judges Richard May (delegation leader), Mehmet Güney, Alphonsus Orie and O-Gon Kwon, visited Zagreb and Sarajevo from 24 to 27 November 2001. The judges met with many representatives of the international community as well as prominent political and judicial figures from Croatia and Bosnia and Herzegovina. The purpose of the trip was for the judges to gain an overview of the general situation in the Balkan States, to improve their knowledge of the national legal systems and to indicate their support for the Tribunal's Outreach Programme. Several issues were addressed during their various meetings, including the prosecution and trial of war criminals by the domestic courts, the perception of the work of the Tribunal by the public and the media, and the political and judicial situation in the two countries.

III. Activities of the Chambers

A. Composition of the Chambers

47. On 14 March 2001, the General Assembly elected 14 judges to serve at the Tribunal for a term of four years, from 17 November 2001 to 16 November 2005. The re-election of eight permanent judges allowed the Tribunal to efficiently integrate the six newly elected permanent judges (Judges Wolfgang Schomburg, Theodor Meron, Amin El Mahdi, Carmel A. Agius, Alphonsus Martinus Maria Orie, and O-Gon Kwon) as well as the ad litem judges, the first six of whom were assigned to specific cases by the Secretary-General in July and August 2001 at the request of the President.

48. The Tribunal currently has 25 judges in total. The Chambers of the Tribunal are composed of 16 permanent judges, two ICTR judges serving in the Tribunal's Appeals Chamber, and nine ad litem judges, all of whom are nationals of different States. The judges sit in three Trial Chambers and an Appeals Chamber. Except for Trial Chamber III, the Trial Chambers are made up of three permanent judges and a maximum of six ad litem judges who serve in mixed sections of three members each (one permanent and two ad litem judges or two permanent and one ad litem judge).

49. The permanent judges are Claude Jorda (President, France), Mohamed Shahabuddeen (Vice-President, Guyana), Richard May (Presiding Judge, United Kingdom of Great Britain and Northern Ireland), Wolfgang Schomburg (Presiding Judge, Germany), Liu Daqun (Presiding Judge, China), Florence Ndepele Mwachande Mumba (Zambia), David Anthony Hunt (Australia), Patrick Lipton Robinson (Jamaica), Mehmet Güney (Turkey), Asoka de Zoysa Gunawardana (Sri Lanka), Fausto Pocar (Italy), Theodor Meron (United States of America), Amin El Mahdi (Egypt), Carmel A. Agius (Malta), Alphonsus Martinus Maria Orie (Netherlands) and O-Gon Kwon (Republic of Korea).

50. The ad litem judges are Maureen Harding Clark (Ireland), Ivana Janu (Czech Republic), Chikako Taya (Japan), Fatoumata Diarra (Mali), Sharon A. Williams (Canada), Rafael Nieto-Navia (Colombia), Mohamed Fassi Fihri (Morocco), Volodymyr Vassylenko (Ukraine) and Per-Johan Viktor Lindholm (Finland).

51. Trial Chamber I is composed of three permanent judges, Judges Liu Daqun (Presiding), Amin El Mahdi, Alphonsus Orie, and three ad litem judges, Judges Maureen Harding Clark, Fatoumata Diarra and Rafael Nieto-Navia. Section A of Trial Chamber I is composed of Judges Liu Daqun (Presiding), Maureen Harding Clark and Fatoumata Diarra, and section B is composed of Judges Alphonsus Orie (Presiding), Amin El Mahdi and Rafael Nieto-Navia.

52. Trial Chamber II is composed of three permanent judges, Judges Wolfgang Schomburg (Presiding), Florence Mumba and Carmel A. Agius, and six ad litem judges, Judges Ivana Janu, Chikako Taya, Sharon Williams, Mohamed Fassi Fihri, Volodymyr Vassylenko and Per-Johan Viktor Lindholm. Section 1 of Trial Chamber II is composed of Judges Florence Mumba (Presiding), Sharon Williams and Per-Johan Lindholm; section 2 is composed of Judges Carmel A. Agius (Presiding), Ivana Janu and Chikako Taya; and section 3 is composed of Judges Wolfgang Schomburg (Presiding), Mohamed Fassi Fihri and Volodymyr Vassylenko.

53. Trial Chamber III is composed of the three permanent judges Judges Richard May (Presiding), Patrick Robinson and O-Gon Kwon.

54. Lastly, the Appeals Chamber is composed of Judges Claude Jorda (Presiding), Mohamed Shahabuddeen, David Hunt, Mehmet Güney, Asoka de Zoysa Gunawardana, Fausto Pocar and Theodor Meron.

B. Principal activities of the Chambers

55. The judicial activity of the Chambers includes first instance and appeals proceedings (appeals against judgements, appeals against interlocutory decisions and State requests for review), proceedings concerning the Tribunal's primacy (rules 7 bis, 9, 10, 11 and 13 of the Rules of Procedure and Evidence) and cases of contempt of the Tribunal (rule 77 of the Rules).

56. During the period under review, the Chambers held no rule 61 hearings (procedure in case of failure to execute a warrant).

57. The cases dealt with by the three Trial Chambers at one stage or another during the reporting period are listed below:

Trial Chamber I	*Trial Chamber II*	*Trial Chamber III*
Kvočka, Prcać, Kos and Radić	*Simić*	*Sikirica, Došen and Kolundžija*
Naletilić and Martinović	*Krnojelac*	*Banović, Fuštar and Knežević*
Krstić	*Brđanin and Talić*	*Gruban and Knežević*
Galić	*Vasiljević*	*Krajišnik and Plavšić*
Ljubičić	*Nikolić*	*Milošević*
Strugar and Jokić	*Stakić*	*Šainović and Ojdanić*
Martić	*Obrenović, Blagojević, Jokić and Nikolić*	*Halilović*
Ademi	*Hadžihasanović, Alagić and Kubura*	*Čelebići*
Češić	*Mrkšić*	
Stanković	*Mrđja*	
	Deronjić	

58. The cases dealt with by the Appeals Chamber during the reporting period were the following:

	Appeals Chamber	
Case	*Appeals on the merits*	*Interlocutory appeals*
Kupreškić et al.	1 (judgement rendered on 23 October 2001)	
Kunarac et al.	1 (judgement rendered on 12 June 2002)	
Blaškić	1 (ongoing)	
Kordić and Čerkez	1 (ongoing)	
Krstić	1 (ongoing)	
Mucić et al.	1 (ongoing)	
Kvočka et al.	1 (ongoing)	
Krnojelac	1 (ongoing)	
Krajišnik and Plavšić		5
Naletilić and Martinović		4
Galić		3
Brđanin and Talić		2 and 1 ongoing
Stakić		1 and 1 ongoing
Simić et al.		1
Ljubičić		1
Milošević		2 and 1 ongoing
Obrenović et al.		1
Hadžihasanović		1

59. For the first time since 1994, requests for review were examined in the *Delić*, *Jelisić*, *Josipović* and *Tadić* cases. The Chamber concerned, the Appeals Chamber in these cases, ruled on the requests of Hazim Delić and Goran Jelisić and considered that the facts raised in support of the requests did not constitute new facts within the meaning of rule 119 of the Rules of Procedure and Evidence.

1. First instance cases

60. For most of the reporting period, six trials were being conducted in parallel. As the Tribunal has only three courtrooms, three trials were held in the morning and three in the afternoon.

61. Trial Chamber I rendered two judgements in the *Krstić* and *Kvočka* cases, opened the *Galić* and *Martinović/Naletilić* trials and prepared several other cases. Aside from preparing several cases, Trial Chamber II rendered a judgement in the *Krnojelac* case and opened the *Vasiljević*, *Brđanin/Talić*, *Simić* and *Stakić* trials. Trial Chamber III rendered a judgement in the *Sikirica* case and two sentencing judgements in the *Sikirica* and *Čelebići* cases. It also opened the *Milošević* trial and worked on preparing a number of other cases.

(a) *Ademi*

62. General Ademi surrendered to the Tribunal. At his initial appearance, on 26 July 2001, he pleaded not guilty to charges of crimes against humanity, including persecution and crimes of war, in connection with events in the "Medak Pocket" in Croatia from 9 September 1993 to about 17 September 1993. General Ademi filed a motion for provisional release, which was granted on 20 February 2002. The defence also filed motions on the form of the indictment, which were finally decided upon on 21 January 2002. Pre-Trial Judge Liu, pursuant to rule 65 ter, requested the Senior Legal Officer to hold meetings with parties on a number of legal or factual issues. Four such meetings were held, leading to a number of agreements between the parties and the definition of some areas of disagreement, thus narrowing the scope of the future trial.

(b) *Banović, Fuštar and Knežević*

63. These proceedings arise from the same indictment relating to the Keraterm Camp as the *Sikirica* case (see paras. 126-131 below), but the accused only came into the custody of the Tribunal after the close of those proceedings. An application to admit some of the testimony from that and previous proceedings has already been granted by the Trial Chamber, thus reducing the need for witnesses to testify before the Tribunal on repeated occasions.

64. Nenad and Predrag Banović were transferred to the United Nations Detention Unit on 9 November 2001, following their arrest by local forces. On 16 November 2001, both accused made their initial appearances before Judge Fassi Fihri. Nenad Banović pleaded not guilty to all 10 counts charged against him in the second amended indictment of 3 January 2001, and Predrag Banović pleaded not guilty to all 25 counts charged against him. The second amended indictment charges each of the two accused on the basis of

individual criminal responsibility (article 7(1) of the Statute), with crimes against humanity, (article 5) and with violations of the laws or customs of war (article 3).

65. On 31 January 2002, following his voluntary surrender, Dušan Fuštar was transferred to the United Nations Detention Unit. On 6 February 2002, the accused Fuštar made his initial appearance before Judge Kwon and pleaded not guilty to all seven counts against him. The second amended indictment charges the accused Fuštar, on the basis of individual criminal responsibility (article 7(1) of the Statute), and superior criminal responsibility (article 7(3)), with crimes against humanity (article 5) and violations of the laws or customs of war (article 3).

66. On 4 and 7 January 2002, the defence for Predrag and Nenad Banović both filed preliminary motions under rule 72 (A)(ii) of the Rules, requesting the filing of a new indictment with factual information containing the name of the victims, date, place and manner in which the crimes were committed.

67. On 11 January 2002, during a status conference, Judge Robinson ordered the prosecution to file an application to amend the indictment. Between 26 March and 22 April 2002, the prosecution filed a motion for leave to amend the second amended indictment against Dušan Fuštar, Predrag Banović and Duško Knežević. The motion was subsequently withdrawn following the surrender of Duško Knežević.

68. On 27 March 2002, the prosecution filed a motion to withdraw the indictment against Nenad Banović on the grounds that there was insufficient evidence to proceed against him. On 4 April 2002, the defence of Nenad Banović filed a motion in support of the motion. On 10 April 2002, the Trial Chamber heard the parties on the prosecution motion to withdraw the indictment against Nenad Banović pursuant to rule 51 of the Rules of Procedure and Evidence. The Trial Chamber granted the motion and ordered the immediate release of Nenad Banović.

69. Duško Knežević surrendered to the Tribunal in May 2002 and pleaded not guilty to all charges at his initial appearance on 24 May. At that time the prosecution indicated its intention to amend both this indictment and the one relating to the Omarska Camp and to seek joinder of the two indictments. As a result the date for filing of the prosecution pre-trial brief has been vacated pending resolution of this issue.

70. Pre-trial status conferences have been held with the Pre-Trial Judge and the Senior Legal Officer of the Trial Chamber on a regular basis to prepare the matter for trial.

(c) *Brđanin and Talić*

71. The pre-trial phase of this case continued throughout 2001. The accused made several challenges to the form of the indictment, resulting in various amendments to the indictment. In particular, the Trial Chamber issued a series of decisions clarifying the requirements for pleading a case based on a joint criminal enterprise.

72. The final version of the prosecution's pre-trial brief was filed on 29 October 2001, pursuant to rule 65 ter (E)(i). Brđanin filed his pre-trial brief on 16 November 2001 and Talić filed his pre-trial brief on 20 November 2001 pursuant to rule 65 ter (F). Pursuant to the Trial Chamber's order dated 14 January 2002, Brđanin filed a supplemental pre-trial brief on 8 April 2002, setting forth arguments as to the applicable law in this case.

73. On 23 November 2001, the President issued an order stating that Trial Chamber II should be composed of Judge Wolfgang Schomburg (Presiding), Judge Florence Mumba and Judge Carmel Agius. On 28 November 2001, the Presiding Judge appointed Judge Carmel Agius as the new Pre-Trial Judge in the case pursuant to rule 65 ter.

74. Pursuant to an order of the President dated 18 January 2002, two ad litem judges, Judge Chikako Taya and Judge Ivana Janu, were appointed to replace Judge Schomburg and Judge Mumba for the duration of the trial.

75. The trial commenced on 23 January 2002. As at 13 May 2002, 17 prosecution witnesses had been heard by the Trial Chamber and five written statements had been admitted pursuant to rule 92 bis of the Rules.

76. Lengthy arguments concerning procedural issues have been a prominent feature of the trial to date. The Trial Chamber has issued decisions on a broad range of procedural issues, including protective measures for victims and witnesses; the conditions governing the application of rule 92 bis; standards governing the admission of documentary evidence in proceedings before the Trial Chamber; the application of rule 90 (H) (concerning matters to be put to a witness during

cross-examination); and the application of rule 70 (concerning confidential information that is not subject to disclosure). In addition, on 10 May 2002, the Trial Chamber heard legal arguments on the question of whether a subpoena would be enforced against a journalist the prosecution sought to bring forward as a witness. Trial Chamber II decided on 7 June 2002 to reject the journalist's motion of 8 May 2002 requesting that the subpoena ordering him to appear before the Chamber be set aside. Taking into consideration the important role of the Tribunal in affirming and bolstering human rights and fundamental freedoms, and conscious in particular of the individual freedoms involved in the case, the Trial Chamber presented a detailed analysis of the merits of such a motion. It found that there was no possibility that the objectivity and independence of the journalist could be hampered or endangered by his being called to testify since the article under which he had been called to testify had been published and thus its provisions were freely accessible.

(d) *Čelebići (Zdravko Mucić, Esad Landžo and Hazim Delić)*

77. In February 2001, the Appeals Chamber allowed appeals against conviction and sentence on some of the counts pronounced on Hazim Delić, Zdravko Mucić and Esad Landžo and remitted the question of what adjustment, if any, should be made to the original sentences to a Trial Chamber to be nominated by the President.

78. On 11 April 2001, the President of the Tribunal remitted the case to Trial Chamber III for review of the sentences. Sentencing hearings were scheduled for July but had to be postponed due to the illness of a judge. After further hearings in September 2001, the Trial Chamber rendered its sentencing judgement on 9 October 2001. Zdravko Mucić was sentenced to a single sentence of nine years' imprisonment, revised from three terms of seven years to run concurrently; Hazim Delić to 18 years' imprisonment, revised from 20 years; and Esad Landžo sentence of 15 years' imprisonment was left unchanged.

(e) *Češić*

79. Following his arrest by the Serbian authorities on 25 May 2002, Ranko Češić was transferred from Serbia, Federal Republic of Yugoslavia, to the Tribunal's Detention Unit on 17 June 2002.

80. On the basis of his individual criminal responsibility under article 7(1) of the Statute of the Tribunal, under the indictment Ranko Češić is charged with six counts of violations of the laws or customs of war (article 3 — murder; humiliating and degrading treatment) and six counts of crimes against humanity (article 5 — murder; rape, which includes other forms of sexual assault).

81. The initial appearance of the accused was held on 20 June 2002.

(f) *Deronjić*

82. The indictment concerning Miroslav Deronjić was unsealed on 8 July 2002 following the arrest of the accused on 7 July 2002. The initial appearance of the accused was held on 10 July 2002. The case was assigned to Trial Chamber II, composed of Judges Wolfgang Schomburg, Florence Mumba and Carmel A. Agius. Miroslav Deronjić is charged with crimes against humanity (count 1: persecutions, and count 2: murder) and of violations of the laws or customs of war (count 3: murder; count 4: wanton destruction of cities, towns or villages; count 5: destruction of institutions dedicated to religion; and count 6: attack of an undefended village).

(g) *Galić*

83. The case opened on 3 December 2001 with Judge Orie, Presiding, Judge El Mahdi and, as ad litem judge, Judge Nieto-Navia. General Galić is charged, on the basis of a campaign of shelling and sniping of the town and inhabitants of Sarajevo from about 10 September 1992 to about 10 August 1994, with crimes against humanity and crimes of war, including infliction of terror. The Trial Chamber has heard 117 witnesses during the prosecution case, which was to be completed on 2 August 2002. The defence stated that it would file a motion to dismiss. The defence case is expected to start in late September 2002.

(h) *Gruban and Knežević*

84. Momčilo Gruban made his initial appearance on 10 May 2002 and pleaded not guilty to 11 counts arising from the Omarska Camp indictment. Duško Knežević, who is charged both under this indictment and under the indictment relating to the Keraterm Camp, made his initial appearance on 24 May 2002, entering a plea of not guilty to all charges. As noted

above, the prosecution has indicated its intention to seek to amend and join the two indictments. Pre-trial preparation has commenced with conferences scheduled with the Pre-Trial Judge and the Senior Legal Officer of the Trial Chamber. On 5 June 2002, Momčilo Gruban filed a request for provisional release, which the Trial Chamber granted after receiving guarantees that he would appear for trial at a later date.

(i) *Hadžihasanović, Alagić and Kubura*

85. General Enver Hadžihasanović, General Mehmed Alagić and Colonel Amir Kubura came into the custody of the Tribunal on 4 August 2001.

86. In the original indictment, the accused were charged on the basis of their command responsibility within the terms of article 7(3) of the Statute of the Tribunal with violations of the laws or customs of war pursuant to article 3 of the Statute, and grave breaches of the 1949 Geneva Conventions pursuant to article 2 of the Statute, for alleged crimes committed in central Bosnia between January 1993 and January 1994. The crimes alleged include executions and massacres following attacks on towns and villages; crimes allegedly committed in detention facilities involving killings, beatings, physical and psychological abuse, the use of detainees to dig trenches in combat conditions, and the use of detainees as both hostages and human shields; and the systematic plunder and destruction of areas that were occupied by 3rd Corps forces. The three co-accused pleaded not guilty to all counts contained in the indictment at their initial appearance held on 9 August 2001.

87. On 15 and 16 November 2001, the defendants filed confidential applications for provisional release. On 13 December 2001, Trial Chamber II, consisting of Judge Wolfgang Schomburg (Presiding), Judge Florence Mumba and Judge Carmel Agius, ordered the provisional release of the three accused, pursuant to rule 65 of the Rules, under strict terms and conditions detailed in the decision. The Trial Chamber considered that the three co-accused had voluntarily surrendered to the Tribunal and that satisfactory guarantees had been provided by the Government of the Federation of Bosnia and Herzegovina and by the accused to uphold the conditions of release. In accordance with the Trial Chamber's decision, the authorities of the Federation of Bosnia and Herzegovina provide regular reports on the compliance of the three released accused with the terms and conditions set out in the decision. No date has been yet set for the beginning of the trial.

(j) *Halilović*

88. On 25 September 2001, following his voluntary surrender, Sefer Halilović was transferred to the United Nations Detention Unit. On 27 September 2001, the accused made his initial appearance before Judge Fassi Fihri and pleaded not guilty to the one charge against him, on the basis of superior criminal responsibility (article 7(3)), of murder, a violation of the laws or customs of war, under article 3 of the Statute and also as recognized by common article 3(1)(a) of the Geneva Conventions.

89. Confirmed by Judge Wald on 12 September 2001, the indictment addresses the killing, in the summer of 1993, by Bosnian Muslim forces of 33 Bosnian Croat civilians in Grabovica and of 29 Bosnian Croat civilians and one HVO prisoner of war in Uzdol.

90. On 28 November 2001, the accused Halilović filed a request for provisional release. On 6 December 2001, the prosecution filed its response, in which it raised no objections to the request, provided that the accused supplied certain guarantees and undertakings. Satisfied that, if released, the accused would appear for trial and that he would not pose a danger to any victim, witness or other person, the Trial Chamber granted the request on 13 December 2001 and ordered the provisional release of Sefer Halilović under the conditions set forth in the decision.

91. Pre-trial preparation is continuing under the direction of the Pre-Trial Judge, Judge O-Gon Kwon, and the pre-trial brief was filed in mid-June. Status conferences with the Pre-Trial Judge and with the Senior Legal Officer of the Chamber are held on a monthly basis.

(k) *Krajišnik and Plavšić*

92. This case concerns charges against two high-ranking Bosnian Serb politicians and is one of the most significant cases before the Tribunal, after that of *Milošević*. The accused are charged alternatively as commanders and as participants in a joint criminal enterprise for the commission of offences including crimes against humanity, violations of the laws or customs of war, and genocide. Krajišnik was arrested by international forces in early 2000 and Plavšić, the

only female indictee to date, surrendered voluntarily to the Tribunal in January 2001.

93. On 5 September 2001, the Trial Chamber ordered the provisional release of Biljana Plavšić from detention under strict conditions. The prosecution had not contested the application and the Chamber was persuaded that she would pose no threat to victims or witnesses and would return for trial. The Trial Chamber was not persuaded that Momčilo Krajišnik's contested applications for provisional release should be granted and he remains in detention awaiting trial.

94. In its decision of 7 March 2002, the Trial Chamber accepted an amended indictment proposed by the prosecution which reduces the scope of the case by removing charges under article 2 of the Statute and removing four municipalities from the crime-base of the indictment (thereby also eliminating the necessity for determining whether the conflict in Bosnia and Herzegovina was international in nature).

95. The pre-trial stage of this case has been closely managed under the provisions of rule 65 ter by the Pre-Trial Judge, Judge May, with the assistance of the Senior Legal Officer of the Chamber. Together they have conducted more than 20 pre-trial status conferences, addressing issues such as disclosure, expert reports and translation difficulties. The prosecution was granted permission to file an extended pre-trial brief of 200 pages, which was filed on 2 May. The defence pre-trial briefs were due on 1 September, with the expectation that the case would be ready for trial in late 2002.

(l) *Krnojelac*

96. After sitting for a total of 76 days and hearing 45 prosecution witnesses and 30 defence witnesses, the Trial Chamber handed down the judgement in the *Krnojelac* case on 15 March 2002. Milorad Krnojelac was convicted of two counts of crimes against humanity (count 1: persecution, and count 5: inhumane acts) and two counts of violations of the laws or customs of war (count 7: cruel treatment, and count 15: cruel treatment). He was acquitted of eight counts. Milorad Krnojelac was sentenced to a single term of imprisonment of seven and a half years.

(m) *Krstić*

97. On 2 August 2001, Trial Chamber I issued its judgement in the case *The Prosecutor v. Radislav Krstić*, which, for the first time in the history of the Tribunal, entered a conviction for genocide, in connection with the events surrounding the attack on, and the fall of, Srebrenica. General Krstić was sentenced to 46 years' imprisonment.

(n) *Kvočka et al.*

98. Simultaneously with the *Krstić* case, Trial Chamber I conducted the trial of the case *The Prosecutor v. Miroslav Kvočka et al.*, in which the five accused were charged with crimes associated with the ordeal suffered by the non-Serb population at the Omarska Camp. The judgement was rendered on 2 November 2001. Miroslav Kvočka was sentenced to a term of imprisonment of seven years, Dragoljub Prcać to five years and Milojica Kos to six years. Mlađo Radić, who alone had been specifically charged with rape, was sentenced to a term of 20 years and Zoran Žigić to 25 years' imprisonment.

(o) *Ljubičić*

99. On 30 November 2001, Pasko Ljubičić pleaded not guilty on all the charges brought against him (crimes against humanity, including persecution, violations of the laws or customs of war) in relation to events that occurred in the Lašva Valley in central Bosnia between June 1992 and July 1993. Following motions on the form of the indictment, the latter was amended in June 2002. The accused filed a motion for provisional release, which is currently under consideration. The Pre-Trial Judge is Judge El Mahdi.

(p) *Martić*

100. On 15 May 2002, Milan Martić was transferred to the Tribunal. On 21 May, he pleaded not guilty to the charges of violations of the laws or customs of war brought against him for an attack on Zagreb on 2 and 3 May 1995. In the present case the Tribunal had first held a rule 61 hearing, involving the testimony of several witnesses presented by the prosecution, following which it had issued a decision for an international arrest warrant. Judge Liu is the Pre-Trial Judge in the case.

(q) *Martinović and Naletilić*

101. At the end of July and beginning of August 2001, depositions were taken of 16 witnesses in the case of *The Prosecutor v. Mladen Naletilić and Vinko*

Martinović. The trial itself started on 10 September 2001 before a Chamber composed of Judge Liu, (Presiding) and, for the first time, two ad litem judges, Judge Clark and Judge Diarra. The prosecution case closed on 4 February 2002 after having called 74 witnesses in total. The Trial Chamber dismissed a motion for acquittal. It heard the defence for Mr. Naletilić, which was completed by mid-July. The Chamber expects to have heard the defence for Mr. Martinović by the end of September 2002. In 12 months, the Trial Chamber will have issued over 120 written decisions.

(r) *Milošević*

102. Slobodan Milošević was transferred from the Federal Republic of Yugoslavia (Serbia and Montenegro) into the custody of the Tribunal on 29 June 2001 in connection with offences said to have arisen from events in Kosovo in the first half of 1999. His initial appearance took place on 3 July 2001 before Trial Chamber III, composed of Judges May, Robinson and Kwon. He was subsequently also indicted for crimes committed in Croatia and Bosnia and Herzegovina and his initial appearances on those indictments was held on 29 October and 11 December 2001 respectively. Milošević is charged alternatively as a commander and participant in a joint criminal enterprise for the commission of offences which include crimes against humanity, violations of the laws or customs of war, and genocide. Following his refusal to plead to the charges in the indictment, the Trial Chamber entered pleas of not guilty in respect of all charges against him. A challenge to the jurisdiction and legality of the Tribunal was rejected in November 2001. In December 2001, the Trial Chamber denied a prosecution application to join the three indictments and to hear the cases in one trial under rule 49, finding that "joinder" of the three cases was not warranted, and ordered that the trial on the Kosovo indictment would proceed separately. On 1 February 2002, the Appeals Chamber overturned the decision of the Trial Chamber, ruling that the three cases against the accused would be joined and that the crimes alleged to have been committed in all three indictments would be heard in one trial.

103. Slobodan Milošević is the first and, to date, only accused to represent himself before the International Tribunal without defence counsel. This fact, along with the enormous size and complexity of the case against him, led the Trial Chamber to order the appointment of amici curiae to assist the court in ensuring that the accused receives a fair trial. Their tasks, set out in Orders of the Chamber on 30 August 2001 and 11 January 2002, include making legal submissions properly open to the accused; making objections or submissions to evidence properly open to the accused during trial and cross-examining witnesses as appropriate; drawing the attention of the Chamber to exculpatory or mitigating evidence; drawing the Chamber to any defences which might be open to the accused; and making submissions on the relevance, if any, of the North Atlantic Treaty Organization (NATO) air campaign in Kosovo. Furthermore, the accused is entitled to privileged communication with two associates with whom he may share all documents and information (public or confidential) and who are bound by all the relevant orders, directives, rules and other instruments of the Tribunal to ensure due respect for the Tribunal, protection of victims and witnesses, and the proper conduct of the proceedings.

104. The Trial Chamber determined that, due to the prosecution's assertion that it was ready to proceed with the Kosovo charges and would be ready to proceed with the Croatia and Bosnia charges in a matter of months, the trial would commence with the Kosovo charges. The trial commenced on 12 February 2002. The Trial Chamber ordered that the prosecution would complete its case by April 2003. Following the prosecution case, the accused will have the opportunity to present his case in defence. The prosecution was granted leave to file an expanded pre-trial brief of 300 pages for the Croatia and Bosnia parts of the case and the brief was filed by the prosecution on 1 June 2002.

105. This complex trial will require a high level of control by the Trial Chamber, in both the pre-trial and the trial stages, to ensure that it is both fair and expeditious. Several innovative evidentiary procedures introduced to enable a large quantity of evidence to be brought before the Chamber in a limited amount of time have been coupled with careful monitoring to allow the accused every opportunity to fully test the evidence against him and thus ensure a fair trial.

(s) *Mrdja*

106. Following his arrest by the Stabilization Force (SFOR) in Bosnia and Herzegovina on 13 June 2002, Darko Mrdja was transferred to the Tribunal's Detention Unit on 14 June 2002. In the indictment

against him, Mr. Mrdja, as the commander of a special police unit, is charged with acting in concert with others who shared his intent and planning, instigating, ordering, committing or otherwise aiding and abetting in the planning, preparation or execution of the killing of over 200 non-Serb men in August 1992. He faces two counts of crimes against humanity (article 5 of the Statute — extermination and inhumane acts) and one count of violations of the laws or customs of war (article 3 — murder). His initial appearance took place on 17 June 2002.

(t) ***Mrkšić***

107. On 15 May 2002, Mile Mrkšić was transferred to the United Nations Detention Unit and had his initial appearance before Judge Schomburg on 16 May 2002, during which he pleaded not guilty on all counts.

108. The accused is charged with grave breaches (count 1: wilfully causing great suffering, and count 4: wilful killing), violations of the laws or customs of war (count 2: cruel treatment, and count 5: murder) and crimes against humanity (count 3: inhumane acts, and count 6: murder). The indictments relate to the mass killing at Ovčara, near Vukovar, of about 200 Croatian and other non-Serb persons who had been removed from Vukovar Hospital on 20 November 1991. The removal of these persons and their subsequent death was the result of acts carried out by soldiers under the command or supervision of Mile Mrkšić, among others. On 16 May 2002, Judge Agius was assigned as Pre-Trial Judge in the case. On 23 May, the accused filed a request for provisional release.

(u) ***Nikolić (Dragan)***

109. A status conference was held on 30 March 2001.

110. On 17 May 2001, the defence for Nikolić Dragan filed a motion for relief, under the procedure envisaged in rule 73 for obtaining discretionary jurisdictional relief, alleging, inter alia, the illegality of his arrest following upon his prior unlawful kidnapping and imprisonment, together with a concomitant abuse of process.

111. The Trial Chamber issued a Direction on 6 July 2001, directing the parties to inform the Trial Chamber within 14 days as to whether they could reach agreement on narrowing the issues in dispute regarding the defence motion on the illegality of arrest. As the parties were unable to reach an agreement, a status conference was held on 29 August 2001 to further consider the issue. The parties subsequently advised the Chamber that an agreement had been reached to narrow the issues in dispute and that the defence would file a fresh motion.

112. On 29 October 2001 the Defence filed that new motion. The Trial Chamber has reserved its decision pending the resolution of other preliminary matters in the case.

113. Pursuant to an order of the President dated 23 November 2001, Judge Wolfgang Schomburg and Judge Carmel Agius were appointed to replace Judge Hunt and Judge Liu in the case.

114. On 28 November 2001, Judge Wolfgang Schomburg, in his capacity as Presiding Judge of Trial Chamber II, designated Judge Carmel Agius as Pre-Trial Judge in the case.

115. On 7 January 2002, the prosecution filed a motion for leave to amend the first amended indictment, pursuant to rule 50 of the Rules of Procedure and Evidence.

116. The Trial Chamber issued a decision on 15 February 2002 granting the prosecution's motion and ordering a further appearance on 18 March 2002, pursuant to rule 50 (B) of the Rules, to enable the accused to enter a plea on the new charges contained in the second amended indictment.

117. At the appearance held on 18 March 2002, the accused entered a plea of not guilty on the new charges contained in the second amended indictment. The accused was also given the opportunity to raise issues in relation to his case, including his mental and physical condition. The trial is to commence in mid-October.

(v) ***Obrenović, Blagojević and Jokić***

118. Dragan Obrenović was arrested by SFOR and transferred to the United Nations Detention Unit on 15 April 2001. At his initial appearance, on 18 April 2001, he entered a plea of not guilty. His case was initially assigned to Trial Chamber II, comprising Judge David Hunt (Presiding), Judge Florence Mumba and Judge Liu Daqun, and thereafter to a differently constituted bench in Trial Chamber II, comprising Judge Wolfgang Schomburg (Presiding), Judge Florence Mumba and Judge Carmel Agius.

119. Vidoje Blagojević was arrested by SFOR and transferred to the United Nations Detention Unit on 10 August 2001. He entered a plea of not guilty at his initial appearance on 16 August 2002 and his case was assigned to Trial Chamber III. Dragan Jokić surrendered to the jurisdiction of the International Tribunal on 15 August 2001. He made his initial appearance on 21 August 2001 and his case was assigned to Trial Chamber I.

120. On 6 September 2001 the prosecution filed a motion seeking leave to join the cases of Obrenović, Blagojević and Jokić in one indictment. The President assigned the motion to Trial Chamber II for determination. On 15 January 2002, the motion for joinder was granted by a bench comprising Judge Wolfgang Schomburg (Presiding), Judge Florence Mumba and, exceptionally, Judge O-Gon Kwon. On 22 January 2002 the prosecution submitted the joinder indictment, in which the three accused were jointly charged. On 21 March 2002, a status conference and further appearance was held before Judge Schomburg, at which all three entered pleas of not guilty to all the counts against them.

121. Vidoje Blagojević is charged in the joinder indictment with complicity in genocide, extermination, murder, persecution and other inhumane acts (forcible transfer). Dragan Obrenović is charged with complicity in genocide, extermination, murder and persecution. Dragan Jokić is charged with extermination, murder and persecution. The facts underlying the charges relate to the alleged involvement of the accused in the events in and around Srebrenica in the summer and autumn of 1995.

122. On 28 March 2002, the Trial Chamber denied an application by Jokić for provisional release. The accused sought leave to appeal the decision and, on 18 April 2002, leave was granted by a bench of the Appeals Chamber comprising Judge Hunt, Judge Güney and Judge Gunawardana.

123. On 3 April 2002, the prosecution submitted a motion for the joinder of the case of *Momir Nikolić* with the *Obrenović et al.* case. In its motion the prosecution submitted that Momir Nikolić and the three accused in the present case committed the crimes they were charged with in the course of the same transaction, namely the employment of a variety of means of ethnic cleansing-turned-genocide in order to secure control over areas of eastern Bosnia and Herzegovina, including the United Nations "safe haven" of Srebrenica.

124. On 17 May, the motion for joinder was granted by the Trial Chamber.

125. The most recent status conference for this case during the reporting period took place on 21 March 2002. No date has as yet been set for trial, although the parties have indicated that they would be ready to start trial in September or October 2002.

(w) *Ojdanić and Šainović*

126. The accused Dragoljub Ojdanić and Nikola Šainović are charged jointly with the defendants in *Slobodan Milošević et al.* in connection with the events in Kosovo in the first half of 1999. Their initial appearances were held on 26 April and 3 May 2002 respectively. Šainović and Ojdanić filed requests for provisional release on 5 and 10 June 2002, and the Trial Chamber granted the requests on 26 June 2002. The Prosecutor has appealed the decision.

(x) *Sikirica et al.*

127. The trial against the accused Duško Sikirica, Damir Došen, and Dragan Kolundžija commenced on 19 March 2001. The prosecution case was completed in the previous reporting period.

128. At the close of the prosecution case, all three accused had filed motions for acquittal under rule 98 bis of the Rules. On 27 June 2001, the Trial Chamber rendered an oral decision, granting the motion filed by Sikirica insofar as it related to the charges of genocide and complicity to commit genocide and dismissed counts 1 and 2 of the second amended indictment. With regard to Došen, the Trial Chamber dismissed counts 12 to 15, that is, torture, cruel treatment and inhumane acts. The remainder of the motion was dismissed. The written judgement was issued on 3 September 2001.

129. Between 27 June and 5 July 2001, the defence for Sikirica presented its case over a period of five sitting days, with a total of 15 witnesses. Between 16 and 30 July 2001, the defence for Došen presented its case over a period of eight sitting days, calling 16 witnesses.

130. Following the summer recess, Kolundžija entered a plea of guilty to count 3 of the second amended indictment (persecution) on 4 September 2001. At a subsequent hearing, the Trial Chamber accepted the plea and entered a finding of guilty. At the same

hearing, the prosecution formally withdrew the remaining counts against Kolundžija.

131. On 7 September 2001, in joint submissions filed with the prosecution on behalf of both Sikirica and Došen, the Trial Chamber was informed of the agreement the prosecution had reached with the two accused regarding the entry of a guilty plea by each to count 3 of the second amended indictment and, subject to the Trial Chamber's acceptance of those pleas, the withdrawal of the remaining counts against them. Each plea agreement contained a provision restricting the parties from appealing a sentence within a certain specified range. On 19 September 2001, the Trial Chamber accepted the pleas of Sikirica and Došen and entered findings of guilty. At the same hearing, the prosecution formally withdrew the remaining counts against the two accused.

132. On 13 November 2001, the sentencing judgement was issued. Sikirica was sentenced to 15 years' imprisonment, Došen was sentenced to 5 years and Kolundžija was sentenced to 3 years. As the sentences all fell within the ranges agreed by the parties, no appeals flow from these proceedings.

(y) *Simić et al.*

133. The prosecution filed its pre-trial brief on 9 April 2001 pursuant to rule 65 ter(E)(i) and the defence for the four accused filed their pre-trial briefs on 7 May 2001 pursuant to rule 65 ter(F).

134. At the status conference held on 15 May 2001, Judge Patrick Robinson announced that the trial date had been set for 10 September 2001. The pre-trial conference originally scheduled for 15 May 2001 was postponed to a subsequent date to allow Judge Richard May and Judge Mohamed El Habib Fassi Fihri, who had been newly assigned to the case, to examine the pre-trial briefs.

135. At the pre-trial conference held on 26 June 2001, the prosecution made submissions with respect to the time to be allotted for the presentation of its case. Trial Chamber III estimated that the prosecution would need 10 weeks in which to present its case; however, if unforeseen events were to arise, a request for extension could be presented to the Trial Chamber.

136. By orders dated 26 July 2001, Trial Chamber III ordered the termination of the provisional release of three of the accused, Milan Simić, Miroslav Tadić and Simo Zarić. Tadić and Zarić were to surrender to the custody of the Tribunal on 3 September 2001. Milan Simić was to surrender to the custody of the Tribunal on 13 August 2001 and undergo a medical examination on 15 August 2001. The fourth accused, Blagoje Simić, had surrendered voluntarily to the Tribunal on 12 March 2001 and entered a plea of not guilty on 15 March 2001.

137. By order of 7 August 2001, the President of the Tribunal transferred the case from Trial Chamber III to Trial Chamber II, comprising Judge David Hunt (Presiding), Judge Florence Mumba and Judge Patricia Wald. Further, by order dated 3 September 2001, the Presiding Judge of Trial Chamber II, Judge David Hunt, designated Judge Florence Mumba as Pre-Trial Judge.

138. In an order of 7 September 2001, the President of the Tribunal assigned the ad litem judges Judge Amarjeet Singh and Judge Sharon Williams to the case. The order also provided that Trial Chamber II, Section B, would be composed of Judge Florence Mumba (Presiding), Judge Amarjeet Singh and Judge Sharon Williams.

139. The trial commenced on 10 September 2001.

140. The prosecution indicated that a total of 43 witnesses would be called for the prosecution case and estimated that its case would continue until at least the end of November 2001.

141. During the prosecution case, by a motion dated 5 December 2001, the prosecution applied for leave to amend the third amended indictment. By a decision dated 20 December 2001, the Trial Chamber granted leave to amend with respect to the charge of destruction and wilful damage to religious institutions (persecution charge under article 5(h) of the Statute) and the rectification and harmonization of inconsistencies in language contained in the third amended indictment.

142. During the hearing held on 6 March 2002, the Trial Chamber informed the parties that the proceedings could not continue due to the indisposition of Judge Amarjeet Singh.

143. By order dated 11 April 2002, the President of the Tribunal considered that it was impossible for Judge Amarjeet Singh to continue to serve in the case and appointed Judge Per-Johan Viktor Lindholm to the

case. The proceedings resumed with the newly composed bench on 15 April 2002.

144. As of 28 June 2002, 27 prosecution witnesses had been heard by the Trial Chamber.

145. Moreover, the Trial Chamber rendered an oral decision in May 2002 severing the cases of the four accused in the case *The Prosecutor v. Blagoje Simić, Milan Simić, Miroslav Tadić and Simo Zarić*.

(z) *Stakić*

146. Dr. Milomir Stakić was transferred to the United Nations Detention Unit on 23 March 2001 and made his initial appearance on 28 March 2001, during which he pleaded not guilty to the charge of genocide committed in the territory of Bosnia and Herzegovina, the only count in the initial indictment. The Prosecutor sought and received leave to file an amended indictment twice in 2001. On 5 October 2001, Dr. Stakić pleaded not guilty to 14 counts in the second amended indictment.

147. In response to a motion by the defence objecting to the form of the second amended indictment of 19 October 2001, Trial Chamber I (Judge Almiro Rodrigues, Presiding, Judge Fouad Riad and Judge Patricia Wald) ordered the Prosecutor to reorganize the second amended indictment, resulting in the filing of the second amended indictment (reorganized) on 27 November 2001. This indictment included the charges of genocide or complicity in genocide, crimes against humanity (extermination, murder, persecution, torture, inhumane acts (forcible transfer) and deportation) and violations of the laws or customs of war (murder, torture, cruel treatment, plunder, wanton destruction of cities, towns or villages, or devastation not justified by military necessity, and destruction or wilful damage done to institutions dedicated to religion).

148. On 23 November 2001, the case was transferred to Trial Chamber II, composed of Judges Wolfgang Schomburg (Presiding), Florence Mumba and Carmel A. Agius. On 28 November 2002, Judge Schomburg was appointed Pre-Trial Judge.

149. The trial was scheduled to commence on 25 February 2002.

150. On 14 February 2002, the parties and the Pre-Trial Judge held a meeting pursuant to rule 65 ter (I) in which the Pre-Trial Judge informed the parties that the provisional date for the start of trial was 16 April 2002. Additionally, the Pre-Trial Judge and the parties discussed various means by which witnesses who were common to both the *Stakić* case and the *Brđanin and Talić* case would not have to testify on two different occasions before the International Tribunal in the two cases.

151. In response to the discussions during the rule 65 ter (I) meeting, on 18 February 2002, the Prosecutor filed a motion to take depositions from 10 witnesses common to the *Brđanin and Talić* and *Stakić* cases. The defence did not file a response to the motion and the issue was left to be determined after the commencement of trial.

152. Following the approval of the budget of the International Tribunal on 18 March 2002, the date for the commencement of trial was confirmed for 16 April 2002.

153. The Prosecutor filed leave to amend the indictment on 28 February 2002, with the aim of further modifying the Indictment and reducing the number of counts to eight (genocide or complicity in genocide); crimes against humanity (murder, extermination, persecution, deportation and inhumane acts (forcible transfer)); and violations of the laws and customs of war (murder). On 11 April 2002, the fourth amended indictment was confirmed.

154. On the basis of the fourth amended indictment, the trial of Dr. Stakić commenced on 16 April 2002 before the bench of Judge Wolfgang Schomburg (Presiding), and Judge Mohamed Fassi Fihri and Judge Volodymyr Vassylenko, the two ad litem judges appointed in this case by the President on 10 April 2002. The Prosecutor's case was expected to be concluded in mid-summer 2002.

(aa) *Stanković*

155. Radovan Stanković was arrested by SFOR on 9 July 2002 and transferred to the Tribunal the following day. The initial appearance of the accused took place on 12 July 2002. The case was assigned to Trial Chamber I, composed of Judges Liu Daqun, Amin El Mahdi and Alphonsus Orie. Radovan Stanković is charged with crimes against humanity (count 45: enslavement; counts 46 and 49: rape) and violations of the laws or customs of war (count 47: rape; count 48: outrages upon personal dignity; and count 50: rape).

(bb) *Strugar and Jokić*

156. Both General Strugar and Admiral Jokić surrendered voluntarily to the Tribunal on 21 October 2001 and 12 November 2001 respectively. They are charged with crimes in connection with the operations conducted to "secure control of those of Croatia that were intended for inclusion in the so-called 'Dubrovnik Republic'". Both filed a motion for provisional release, which, following hearings featuring testimony by representatives of the local authorities concerned was granted on 30 November 2001 and 20 February respectively, under strict conditions of residence and monitoring by the local police. The defence for General Strugar filed a preliminary motion on jurisdiction as well as on the form of the indictment. As regards jurisdiction, the motion was rejected on 7 June 2002; it was partially granted on 19 June 2002 regarding the form of the indictment, which the prosecution has announced it intends to amend. Judge Orie is the Pre-Trial Judge in the case.

(cc) *Vasiljević*

157. Mitar Vasiljević was detained by SFOR on 25 January 2000 and transferred to the Detention Unit the same day. The relevant indictment was confirmed on 26 August 1998 but remained under seal until his arrest. According to the indictment, in the spring of 1992, a group of local men formed a paramilitary unit in Višegrad of which Vasiljević is alleged to have been a member. Between May 1992 and at least October 1994, the accused and other members of the group allegedly killed a significant number of Bosnian Muslim civilians. The accused is charged with violations of the laws or customs of war and crimes against humanity. On 28 January 2000, at his initial appearance he pleaded not guilty to all counts.

158. On 22 September 2000, Vasiljević entered a special defence of alibi. On 18 May 2001, at the last status conference in the previous reporting period, the prosecution indicated its intention to file an amended indictment taking the alibi defence into account. The defence filed its pre-trial brief on 5 July 2001 and on 24 July 2001 the prosecution filed its pre-trial brief.

159. On 7 September 2001, the President of the Tribunal assigned the judges ad litem Judge Ivana Janu and Judge Chikako Taya to the trial, which began on 10 September 2001. The prosecution case lasted until 9 October 2001; the defence case started on 23 October 2001 and finished on 10 January 2002.

160. The prosecution case in rebuttal started on 10 December 2001 and finished on 15 January 2002. The prosecution was given leave to reopen its case on 11 January 2002. The defence case in rejoinder took place on 14 and 15 February 2002.

161. Between 10 September 2001 and 15 January 2002, 36 prosecution witnesses were heard. Between 23 October 2001 and 15 February 2002, 28 defence witnesses testified.

162. The final trial briefs were submitted on 28 February 2002 by both the prosecution and the defence. The prosecution closing arguments were heard on 6 March 2002 and the defence closing arguments were heard on 6, 8 and 14 March 2002.

163. No date has yet been set for the judgement.

2. Appeals

164. The Appeals Chamber rendered 19 interlocutory decisions and 2 judgements in the *Kupreškić* and *Kunarac* cases. It also ruled on two requests for review in the *Čelebići* and *Jelisić* cases.

(a) Interlocutory appeals

165. Interlocutory appeals from decisions of Trial Chambers arise under four specific rules: (a) rule 65 requests for provisional release; (b) rule 72 decisions on preliminary motions; (c) rule 73 decisions on other motions; and (d) rule 108 bis State requests for review. Trial Chamber decisions under rule 72 involving a challenge to jurisdiction under sub-rule 72 (A) (i) may be appealed as of right to the full Appeals Chamber, providing that a bench of three judges of the Appeals Chamber decides that the appeal pertains to jurisdiction as defined by rule 72 (D). Apart from State requests for review under rule 108 bis, other interlocutory appeals may only proceed with leave from a bench of three judges of the Appeals Chamber or when involving issues of evidence and procedure during trial after certification by the Trial Chamber that rendered the decision. On 8 May 2002, the amendments of rules 72 and 73 came into effect. Under the amended rule 72, decisions on preliminary motions challenging jurisdiction are still open to interlocutory appeal as a matter of right for the parties, but decisions on preliminary motions on other grounds would require

certifications of the relevant Trial Chamber in which the party filing the motions appears. The Trial Chamber may certify an appeal from its decision if it considers the decision to involve an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial and the resolution of which issue by the Appeals Chamber may materially advance the proceedings. Under the amended rule 73, decisions on all motions are without interlocutory appeal save with certification by the Trial Chamber, which may grant such certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial and the resolution of which issue by the Appeals Chamber may materially advance the proceedings.

166. During the reporting period, 22 interlocutory appeals were disposed of. A total of 23 new interlocutory appeals were filed.

167. Two applications for leave to appeal were brought before a bench of three judges of the Appeals Chamber under rule 65 (provisional release). Leave was denied in respect of the application of Momčilo Krajišnik on 14 December 2001. Leave was granted on 18 April 2002 in respect of the application filed by Dragan Jokić, which was granted by the Appeals Chamber on 28 May 2002, and provisional release was effected immediately afterwards.

168. Seven interlocutory appeals were brought pursuant to rule 72. Leave to appeal was denied by a bench of three judges of the Appeals Chamber in respect of two of them. One appeal was dismissed by a bench of three judges of the Appeals Chamber pursuant to rule 72 (E). The fourth appeal, filed by the prosecution on 21 March 2002, was withdrawn on 2 April 2002.

169. During the reporting period, the Appeals Chamber rendered the following seven substantive decisions on interlocutory appeals on the merits, where leave to appeal had been granted.

(i) *Brđanin*

170. On 16 April 2002, the accused Radoslav Brđanin filed before the Appeals Chamber an interlocutory appeal against a decision of the Trial Chamber in charge of his trial, after a certification to appeal had been granted by the Trial Chamber on 10 April 2002 pursuant to rule 73 (C) of the Rules. The issue raised by the Appellant before the Appeals Chamber was embodied in the contention that the Trial Chamber had erred when it determined that the provisions of rule 90 (H) (ii) were not in conflict with articles 20 and 21 of the Statute of the Tribunal to the extent that such provisions would require counsel to reveal the content of privileged communications with his client.

171. On 6 June 2002, the Appeals Chamber (Judges Jorda, Presiding, Shahabuddeen, Güney, Gunawardana and Meron) dismissed the appeal, on the ground that the contention of the Appellant that rule 90 (H) (ii) infringed upon his right to privileged communications with his counsel was based on a misunderstanding of the rule, because rule 90 (H) (ii) was not addressed to the right of a client to make privileged communications to his counsel but designed to facilitate the fair and efficient presentation of evidence by giving the witness being cross-examined an opportunity to explain his evidence that was being contradicted by the cross-examining party with reference to the nature of its case, thus avoiding the unnecessary recall of the witness subsequently to provide that explanation and enabling the Trial Chamber to assess the credibility of the witness's evidence more fully through his explanation or the explanation by his counsel. The Chamber also noted that the argument the Appellant had made at first instance regarding the alleged conflict between rule 90 (H) (ii) and the right of silence of an accused person was also misconceived, because the object of rule 90 (H) (ii) was to regulate the procedure for the presentation of evidence and the source of the evidence was irrelevant to the procedure. The Chamber further noted that the Appellant had failed to show that, in the course of his trial, he had ever been forced to disclose privileged communications between himself and his counsel as a result of his complying with the terms of rule 90 (H) (ii).

(ii) *Galić*

172. On 2 May 2002, the accused Galić filed an interlocutory appeal following the granting by a Trial Chamber of a certificate for appeal on 25 April 2002, pursuant to rule 73 (C) of the Rules. His appeal was against the decisions of the Trial Chamber of 12 and 18 April 2002, which had admitted into evidence two written statements made by prospective witnesses to the prosecution, both of whom had died after making the statements.

173. On 7 June 2002, the Appeals Chamber (Judges Hunt, Presiding, Güney, Gunawardana, Pocar and Meron) allowed the appeal against the first decision of the Trial Chamber, remitting the matter to the Trial Chamber to reconsider the admission of the first statement, but dismissed the appeal against the second decision. The two statements were admitted into evidence by the Trial Chamber pursuant to rule 92 bis (C). The Appeals Chamber allowed the appeal in respect of the first statement on the ground that the Trial Chamber should have considered the exercise of discretion given by rule 92 bis whenever the prosecution sought to use the rule in the special situation posed by a charge of command responsibility under article 7 (3) of the Statute where evidence went to proof of the acts and conduct of the accused's immediate proximate subordinates.

(iii) *Hadžihasanović*

174. On 2 October 2001, the accused Enver Hadžihasanović, Mehmed Alagić and Amir Kubura, pursuant to rule 73 (D), filed a joint application for leave to appeal against the President's Order of 25 September 2001 denying them access to confidential material from the *Kupreškić* trial.

175. On 1 February 2002, a bench of three judges of the Appeals Chamber (Judges Pocar, Presiding, Shahabuddeen and Güney) granted leave to appeal, on the ground that the matter raised constituted an issue of general importance in terms of rule 73 (D) (ii).

176. On 23 April 2002, the Appeals Chamber (Judges Shahabuddeen, Presiding, Güney, Gunawardana, Pocar and Meron) allowed the appeal and remitted the matter to the President of the Tribunal for him to grant the requested access and to indicate appropriate protective measures. The reason was that the Applicants had been able to describe the documents sought by their general nature and had shown that access to the documents was likely to assist them materially in their case and that the President had erred in law in not granting them access.

(iv) *Jokić*

177. On 5 April 2002, the accused Jokić, pursuant to rule 65, filed a request for leave to appeal against the Trial Chamber II decision of 28 March 2002 refusing the accused's application for provisional release.

178. In a decision rendered on 18 April 2002, a bench of three judges of the Appeals Chamber (Judges Hunt, Presiding, Güney and Gunawardana) granted leave to appeal on the ground that the Trial Chamber had erred both in considering that the guarantees by a State were not a prerequisite for granting provisional release and in not considering rule 2 regarding the scope of the term "State".

179. On 28 May 2002, the Appeals Chamber (Judges Jorda, Presiding, Hunt, Güney, Gunawardana and Meron) allowed the appeal and ordered the provisional release of the accused Jokić subject to certain guarantees to be implemented by the authorities of the Netherlands, Bosnia and Herzegovina, and the Republika Srpska. The Appeals Chamber reaffirmed the reasoning of the bench of the three judges given in the decision of 18 April 2002 and found that the requirements of rule 65 for provisional release had been fulfilled in this case.

(v) *Krajišnik and Plavšić*

180. On 7 August 2001, the accused Momčilo Krajišnik, pursuant to rule 73 (D) (ii), filed an application for leave to appeal against the decision of 6 August 2001 by Judge Vohrah, when acting as the duty judge, dismissing his application for provisional release.

181. On 10 August 2001, a bench of the Appeals Chamber (Judges Jorda, Presiding, Nieto-Navia and Pocar) granted the application for leave to appeal on the ground that the discretion of a duty judge and the question as to whether the attendance by an accused in custody at a funeral of a parent amounted to an emergency in terms of rule 28 (D) constituted issues of general importance under rule 73 (D) (ii).

182. On 26 February 2002, the Appeals Chamber (Judges Jorda, Presiding, Hunt, Güney, Pocar and Meron) delivered its decision on the merits. In dismissing the appeal, the Appeals Chamber found that the duty judge had jurisdiction over the motion for provisional release even in normal Registry hours and that, although he had erred in rejecting the motion on the ground that there were no urgency in the request of the accused, there had been no miscarriage of justice resulting from his decision, because the motion for provisional release did not fulfil the requirements of rule 65 (B) in any case.

(vi) *Krajišnik and Plavšić*

183. On 17 August 2001, the accused Momčilo Krajišnik, pursuant to rule 73 (D) (i) and (ii), filed an application for leave to appeal against a decision of Trial Chamber III of 16 August 2001. The decision had denied a request by the accused to attend a hearing scheduled for his co-accused's motion for provisional release.

184. On 18 October 2001, a bench of three judges of the Appeals Chamber (Judges Güney, Presiding, Pocar and Gunawardana) granted leave to appeal on the ground that the question as to whether an accused and/or his counsel may attend a hearing on his co-accused's motion for provisional release constituted an issue of general importance to proceedings before the International Tribunal or in international law generally.

185. In its decision of 15 February 2002, the Appeals Chamber (Judges Gunawardana, Presiding, Shahabuddeen, Güney, Pocar and Meron) dismissed the appeal on the merits, on the ground that the accused had failed to show that, as a matter of law, he was entitled to be present at the hearing in question, and that that hearing would involve a matter between his co-accused and the prosecution only.

(vii) *Milošević*

186. On 20 December 2001, the prosecution, pursuant to rule 73 (D), filed an application for leave to appeal against the Trial Chamber III decision of 13 December 2001, rejecting the prosecution request to join the indictments against the accused Slobodan Milošević for his alleged responsibility for crimes allegedly committed in Kosovo, Croatia, and Bosnia and Herzegovina.

187. On 9 January 2002, a bench of three judges of the Appeals Chamber (Judges Jorda, Presiding, Hunt and Pocar) granted leave to the prosecution to appeal, on the ground that the correct interpretation of rule 49 regarding joinder of crimes was an issue of general importance to the proceedings of the International Tribunal. The bench added, however, that the interlocutory appeal would not affect the commencement of trial on the indictment relating to the events in Kosovo.

188. On 1 February 2002, the Appeals Chamber (Judges Jorda, Presiding, Hunt, Güney, Pocar and Meron) decided to allow the appeal of the prosecution and ordered that the indictments in question be joined in one trial. The reasons of the Appeals Chamber were given in writing on 18 April 2002. The Appeals Chamber considered that the Appeals Chamber would only intervene in a matter regulated by rule 49 if the Trial Chamber failed to properly exercise its discretion pursuant to that rule in the matter. The Chamber found the central issue in the appeal to be the question of whether the events to which the indictments related formed part of the same transaction. Considering the rules of treaty interpretation to be applicable in the interpretation of the Rules, the Appeals Chamber concluded that rule 49 did not require the events in Kosovo to have been "committed together" with those in Bosnia and Herzegovina and Croatia. The Chamber also considered that the events alleged in the indictments in question formed the same transaction. In the exercise of its own discretion, the Chamber was satisfied that the joinder sought was justified and should therefore be granted.

(b) Appeals on the merits

189. During the reporting period, four appeals against final trial judgements were brought from the *Krstić*, *Čelebići (sentencing)*, *Kvočka* and *Krnojelac* trials. There are two appeals pending which were brought before the Appeals Chamber in previous reporting periods, the *Kordić and Čerkez* and *Blaškić* cases. Two judgements were rendered in *Kupreškić* and *Kunarac*.

(i) *Blaškić*

190. Tihomir Blaškić filed a notice of appeal on 17 March 2000 against the Trial Chamber judgement of 2 March 2000. Pursuant to requests by the parties, the Appeals Chamber (Judges Vohrah, Presiding, Nieto-Navia, Wald, Pocar and Liu) ordered that the briefing schedule be suspended pending the resolution of certain issues relating to the admission of additional evidence. Judge Pocar was the pre-appeal judge. The composition of the bench was revised on 23 November 2001 following the departure of three judges on the bench, and it is now constituted by Judges Pocar, Presiding, Hunt, Güney, Gunawardana and Meron.

191. The filing of briefs in this appeal was suspended on 19 May and 26 September 2000 due to the requests of the Appellant who was seeking disclosure by the prosecution of allegedly withheld materials in its possession as well as production by the Registry of all public or non-public materials from other related cases

before the Tribunal. His request for suspension of the briefing schedule was also based on the ground that new materials he discovered after trial required translation. The filing process was resumed by order of the Appeals Chamber of 16 October 2001 and was expected to be completed on 3 June 2002, following one more request by the Appellant for an extension of time and enlargement of page limits for his Appellant's brief. The proceedings were also prolonged by two rule 115 motions filed by the Appellant Blaškić on 19 January and 18 October 2001, respectively, and the second motion was filed confidentially, with its public version being filed on 7 March 2002. The third rule 115 motion was filed on 10 June 2002. The Appeals Chamber is currently considering the admissibility of the additional evidence provided by the three rule 115 motions. The oral hearing on this appeal should then be ready to take place in the autumn of 2002.

(ii) *Čelebići*

192. Following the re-sentencing procedure before Trial Chamber III and the delivery of the sentencing judgement by the Chamber on 9 October 2001, the convicted persons Hazim Delić, Zdravko Mucić and Esad Landžo filed their notices of appeal on 10 October and 15 October 2001. The Appeals Chamber (Judges Shahabuddeen, Presiding, Hunt, Pocar, Gunawardana and Meron) designated Judge Hunt as pre-appeal judge by order of 14 December 2001. The filing of briefs in the case was completed on 27 March 2002. The Appeals Chamber had the oral hearing in the appeal on 18 June 2002 and is currently deliberating.

(iii) *Kordić*

193. The trial judgement in the case against the accused Kordić and Čerkez was delivered by Trial Chamber III on 26 February 2001. Notices of appeal were filed before the Appeals Chamber (Judges Hunt, Presiding, Vohrah, Nieto-Navia, Pocar and Liu) by all parties to the case: by Kordić and Čerkez on 12 March 2001 and by the prosecution on 13 March 2001. Following a request for an extension of time, Judge Hunt, the pre-appeal judge, ordered that the Appellants' brief under rule 111 be filed on 9 August 2001. The composition of the bench was changed by an order of the President, dated 23 November 2001, to: Judges Hunt, Presiding, Güney, Gunawardana, Pocar and Meron. The filing of briefs in the appeal was completed on 20 October 2001. However, since June 2001, the Appellants Kordić and Čerkez have filed a number of requests for access to materials in the possession of the authorities of Bosnia and Herzegovina and the prosecution, and of other cases before the Tribunal, in relation to their intention to file rule 115 motions to present additional evidence. This intention was confirmed in their notices filed before the Appeals Chamber on 9 April 2002. On 16 May 2002, the Appeals Chamber granted access by Kordić and Čerkez to materials from the *Blaškić* trial and appeal. By their filings of 21 June 2002, both Kordić and Čerkez are seeking further assistance of the Appeals Chamber to have access to additional evidence as contained in the third rule 115 motion filed by Blaškić.

(iv) *Krnojelac*

194. The trial judgement was rendered on 15 March 2002 by Trial Chamber II. Milorad Krnojelac and the prosecution filed notices of appeal on 5 April and 12 April 2002, respectively. The Appeals Chamber (Judges Shahabuddeen, Presiding, Güney, Gunawardana, Pocar and Meron) designated Judge Meron as pre-appeal judge by order of 6 May 2002. The parties are in the process of filing their briefs.

(v) *Krstić*

195. Radislav Krstić filed a notice of appeal on 14 August 2001 against the trial judgement of 2 August 2001, and the prosecution filed its notice of appeal on 16 August 2001. The Appeals Chamber (Judges Shahabuddeen, Presiding, Hunt, Güney, Gunawardana and Pocar) designated Judge Hunt as pre-appeal judge in an order of 28 September 2001. The filing of briefs in the appeal was completed on 6 March 2002. Following the status conference of 5 April 2002, the Prosecutor submitted a status report on 6 June 2002 regarding the progress in the disclosure of materials by the prosecution pursuant to rule 68. This disclosure process will enable the Appellant to decide whether to file a rule 115 motion to seek the admission of additional evidence.

(vi) *Kunarac*

196. On 22 February 2001, Trial Chamber II rendered its judgement against the accused Kunarac, Kovač and Vuković. Notices of appeal were filed by all three accused, on 6 March (Kovač and Vuković) and 7 March 2001 (Kunarac), respectively, before the Appeals Chamber (Judges Jorda, Presiding, Vohrah,

Shahabuddeen, Nieto-Navia and Liu). The Chamber designated Judge Shahabuddeen as pre-appeal judge on 8 June 2001. The composition of the bench was revised on 23 November 2001 to be: Judges Jorda, Presiding, Shahabuddeen, Güney, Schomburg and Meron. The filing of briefs in the appeal was completed on 4 September 2001. The oral hearings took place from 4 to 6 December 2001.

197. The Appeals Chamber rendered its judgement on 12 June 2002. The Chamber dismissed all grounds of appeal against convictions and sentences, but corrected the formal disposition of the trial judgement to reflect an oral statement made by the Trial Chamber during the delivery of the trial judgement, to the effect that the Appellants would receive credit for their time already served in the custody of the Tribunal.

(vii) *Kupreškić*

198. Trial Chamber II rendered its judgement on 14 January 2000. Notices of appeal were filed by Vladimir Šantić, Drago Josipović, Vlatko Kupreškić, Zoran Kupreškić and Mirjan Kupreškić. The prosecution had also appealed. Judge Wald was the pre-appeal judge, having taken over from Judge Bennouna upon his departure from the Tribunal in February 2001. During the appeal, the Appeals Chamber (Judges Wald, Presiding, Vohrah, Nieto-Navia, Pocar and Liu) rendered a substantial number of decisions on various procedural and evidentiary matters, primarily concerning the admission of additional evidence. The appeal hearing was held from 13 to 15 July 2001.

199. On 23 October 2001, the Appeals Chamber rendered its judgement in the appeal. The convictions of Zoran and Mirjan Kupreškić on count 1 for persecution was reversed, as the Chamber found that the Trial Chamber had erred in relying on the identification evidence given by a single witness who had made the identification of the two appellants in extremely difficult circumstances at the time of the alleged crimes. That error, the Appeals Chamber found, had caused a miscarriage of justice. Their appeal on the ground of the vagueness of the amended indictment was also upheld by the Appeals Chamber. The appeal of Vlatko Kupreškić was allowed on the ground that, with the introduction of additional evidence, the circumstantial evidence on which his conviction had been based could not be accepted by any reasonable tribunal of fact, and that a miscarriage of justice had occurred. While finding no merits in any of the grounds of appeal of Drago Josipović concerning his conviction, the Appeals Chamber found that the Trial Chamber had erred in relying on a fact that was not pleaded in the amended indictment and that the alleged command role of the Appellant had been supported by insufficient evidence. The Chamber later considered these two findings in the context of the sentencing appeal of the Appellant. The Appeals Chamber accepted the argument of Vladimir Šantić that the Trial Chamber had erred in finding him to have played a role in the overall strategic planning of the Ahmići attack and took this into account when dealing with the Appellant's sentencing appeal. The appeal by the prosecution was allowed to the extent that the Trial Chamber had erred in acquitting Drago Josipović and Vladimir Šantić on counts 17 and 19, which the Trial Chamber found to be impermissibly cumulative. The sentencing appeals of Drago Josipović and Vladimir Šantić were allowed in part, with their sentences reduced from 15 to 12 years' imprisonment and from 25 to 18 years' imprisonment, respectively. Zoran, Mirjan, and Vlatko Kupreškić were acquitted on all counts and immediately released.

(viii) *Kvočka*

200. Following the delivery of the trial judgement on 2 November 2001, the convicted persons filed their notices of appeal in the following order: 13 November (Miroslav Kvočka), 15 November (Mlađo Radić and Dragoljub Prcać) and 16 November (Zoran Žigić and Milojica Kos). The Appeals Chamber (Judges Shahabuddeen, Presiding, Hunt, Güney, Gunawardana and Meron) designated Judge Hunt as pre-appeal judge by order of 30 January 2001. The parties are currently in the process of filing their briefs.

(c) Requests for review

201. Review proceedings before the Tribunal are regulated by article 26 of the Statute and rules 119 to 122 of the Rules. Where a new fact has been discovered which was not known to the moving party at the time of the proceedings before a Trial Chamber or the Appeals Chamber and could not have been discovered through the exercise of due diligence, the defence or, within one year after the final judgement has been pronounced, the Prosecutor may make a motion to that Chamber for review of the judgement. If, at the time of the request for review, any of the judges who constituted the original Chamber are no

longer judges of the Tribunal, the President shall appoint a judge or judges in their place.

202. During the reporting period, out of the four pending reviews, two were decided (see below). The decisions on the two reviews decided were the first ones in the practice of the Tribunal.

(i) *Delić*

203. On 15 January 2002, the convicted person Hazim Delić, pursuant to article 26 of the Statute and rule 119 of the Rules, filed a motion for review alleging a new fact in the evidence contained in a prosecution witness statement. The Appeals Chamber (Judges Shahabuddeen, Presiding, Hunt, Gunawardana, Pocar and Meron) dismissed the motion in a decision of 25 April 2002, on the ground that the alleged new fact had been available to the Applicant both at the trial and in the appeal, that the alleged fact was not a fact at all but evidence of a fact litigated at trial and on appeal, and that the Applicant knew of the evidence during the trial and at the appeal.

(ii) *Jelisić*

204. On 24 December 2001, the convicted person Goran Jelisić, pursuant to article 26 of the Statute and rule 119 of the Rules, filed a motion for review of his sentence as pronounced in the trial judgement of 19 October and 14 December 1999 (written reasons) and reaffirmed by the Appeals Chamber judgement of 5 July 2001. He alleged a new fact to have arisen in the form of a development in the case law of the Tribunal. The Appeals Chamber (Judges Shahabuddeen, Presiding, Güney, Gunawardana, Pocar and Meron) gave its decision on 2 May 2002, dismissing the motion of the Applicant on the ground that the alleged new fact did not constitute a new fact in terms of article 26 of the Statute and rules 119 and 120 of the Rules.

(iii) *Josipović*

205. The convicted person Drago Josipović filed an application for review on 21 February 2002 with, however, a preceding motion for access to a certain witness statement in unredacted form whereby he might decide whether there was a new fact to trigger the review procedure. The Appeals Chamber (Judges Pocar, Presiding, Liu, Güney, Gunawardana and Meron) designated Judge Güney as pre-review judge by order of 25 April 2002. The decision of the Chamber is pending.

(iv) *Tadić*

206. On 18 June 2001, the convicted person Duško Tadić, without notifying his counsel, filed a review of the complete case pursuant to article 26 of the Statute and rule 119 of the Rules, following the finding by the Appeals Chamber of contempt against his previous defence counsel. His counsel subsequently filed a motion for review pursuant to article 26 of the Statute and rule 119 of the Rules on 5 October 2001. On 6 November 2001, Judge Pocar was designated pre-review judge by the Appeals Chamber (Judges Jorda, Presiding, Güney, Gunawardana, Pocar and Liu). The filing of briefs for the review was completed on 26 November 2001. The decision of the Chamber is pending.

IV. Activities of the Office of the Prosecutor

A. Overview

207. As indicated above, the Prosecutor participated in the process of reflection on the possible referral of cases to national courts as part of the Tribunal's completion strategy. As she reiterated to the Security Council on 27 November 2001, from the outset, she has been directing her penal policy at prosecuting the major political and military leaders and leaving the lower-ranking subordinates to be tried by the national courts. In keeping with her plans, she should complete her investigations in 2004. In fact, she considers that, by 2004, 25 new investigations should be completed and 33 new indictments issued covering an additional 100 accused. Moreover, the Prosecutor believes that 10 of these new investigations may be referred to national courts — as matters now stand, only to those of Bosnia and Herzegovina. These investigations correspond to 17 indictments representing 50 potential intermediary-level accused. Discounting the ongoing cases and existing indictments, the Tribunal would thus have to rule on only 16 new indictments involving 50 individuals. In addition, assuming that all those persons are indicted and transferred to the Tribunal, it would have to organize only 16 new trials.

208. One factor that will impact on the Tribunal's completion strategy is the number of trials that will be

dealt with in the coming years. In this regard it has been the Prosecutor's consistent aim to have joint trials involving all accused that have been indicted together. The rate and timing of fugitive apprehensions is something out of the Tribunal's hands, as it depends on the cooperation of Member States. As things currently stand, there are six cases before the Tribunal where the trial has not started but where there is at least one co-accused still at large. If these co-accused are not surrendered in a timely manner, the Tribunal will be forced to have separate trials in respect of these cases, some of which will be very lengthy, for example *Karadžić* and *Mladić*. This factor clearly will affect the success of the Tribunal's completion strategy.

209. Already this problem has presented itself in 10 other cases, where the Tribunal has either recently commenced a trial but there are still co-accused at large (*Brđanin and Talić*; and *Galić*) or trials before the Tribunal which have already concluded but where co-accused have either surrendered subsequently or are still at large (*Furundžija*; *Jelisić*; *Kunarac et al.*; *Kvočka et al.*; *Krnojelac*; *Krstić*; *Kolundžija et al.*; and *Vasiljević*). The Tribunal has no control over such matters, although this will be a critically important factor in the Tribunal being able to implement its completion strategy.

210. In addition, the Office of the Prosecutor brought three investigations to the indictment stage; unsealed six previously non-public indictments; was involved in the prosecution of eight trials; moved to the pre-trial stage in 16 others, including 4 large cases; filed and/or responded to 5 post-judgement appeals; implemented its new strategy in relation to mass grave exhumations and in this regard completed mass grave exhumations at one site in Kosovo and monitored 9 others throughout the former Yugoslavia; modified its position regarding the use of sealed indictments; and continued calling upon Member States and relevant international organizations to arrest fugitives in Croatia, Republika Srpska and the Federal Republic of Yugoslavia.

B. Activities of the Prosecutor

1. Trials in the first instance and on appeal

211. The involvement of the Office of the Prosecutor in trial, pre-trial and appellate work has increased dramatically, much more than in previous years, due to the use of ad litem judges. The Prosecutor was engaged in prosecuting eight trials during the reporting period (*Bosanski Šamac* involving four accused; *Kolundžija et al.*; *Brđanin/Talić*; *Martinović/Naletilić*; *Galić*; *Vasiljević*; *Stakić*; and *Milošević* cases (which is proceeding on three indictments — Kosovo, Croatia and Bosnia). These eight trials involve a total of 15 accused. Four of these accused pleaded guilty during the course of trial (*Milan Simić* (*Bosanski Šamac* case); and the three accused in the *Kolundžija* trial). At the end of the reporting period, the Office of the Prosecutor was involved in the pre-trial phase of another 16 cases (*Krajišnik and Plavšić*; *Nikolić*; *Obrenović et al.*; *Ademi*; *Hadžihasanović et al.*; *Halilović*; *Strugar* and *Jokić*; *Banović et al.*; *Ljubičić*; *Ojdanić and Šainović*; *Gruban*; *Mrkšić*; *Martić*; *Češić*; *Mrdja*; and *Stanković*). The Prosecutor withdrew the indictment against one of the accused (Nenad Banović) following his transfer to the Tribunal and, on 26 July 2002 was given authorization to withdraw the indictment against Milan Zec. Finally, in addition to three ongoing appeals, the Office was involved in five new post-judgement appeals by the end of the reporting period (*Čelebići; Kvočka et al.; Krnojelac; Krstić;* and *Vasiljević*), involving 11 accused.

212. The Prosecutor must assign three separate trial teams to the *Milošević* case. However, the Office of the Prosecutor only has 10 trial teams and eight of them were engaged in the six trials proceeding before the Trial Chambers during the reporting period. This leaves only two trial teams to prepare the 16 trials that were in the pre-trial phase at the end of the period.

2. Arrest and surrender of the accused

213. There were 23 accused who either surrendered voluntarily or were arrested during the reporting period, which is almost three times the number surrendered during the previous reporting period.

214. Twelve accused surrendered voluntarily (Dragan Jokić on 15 August 2001; Halilović on 25 September; Strugar on 21 October from Montenegro, following the unsealing of the indictment on 2 October; Ljubičić surrendered to Croatian authorities on 9 November, following the unsealing of the indictment, and was transferred on 14 November; Miodrag Jokić on 12 November from the Federal Republic of Yugoslavia; Fuštar on 31 January 2002 from Republika Srpska; Ojdanić on 25 April from the Federal Republic of Yugoslavia; Gruban and Šainović on 1 May from the Federal Republic of Yugoslavia; Mrkšić and Martić on

15 May from the Federal Republic of Yugoslavia; and Knežević from Republika Srpska on 18 May).

215. Eleven accused were arrested (Hadžihasanović, Alagić and Kubura were arrested by the Bosniac authorities on 2 August 2001 and were surrendered on 4 August; Blagojević was arrested by SFOR on 10 August; Nenad Banović and Predrag Banović were arrested by the authorities of the Federal Republic of Yugoslavia on 8 November and were surrendered on 9 November; Momir Nikolić was arrested by SFOR on 1 April 2002; Češić was arrested by the authorities of the Federal Republic of Yugoslavia on 26 May; Mrdja was arrested by SFOR on 13 June 2002; Deronjić and Stanković were arrested by SFOR on 7 and 9 July 2002 respectively). One indicted accused (Stojiljković) committed suicide in Belgrade on 11 April 2002, following the passing of the Federal Republic of Yugoslavia law on cooperation with the Tribunal.

216. During the reporting period the Prosecutor decided to make public most of the indictments that had previously been kept confidential. The practice of keeping indictments sealed was developed in early 1997 due to the high number of indicted fugitives then at large, and in view of the lack of cooperation on the part of most States of the former Yugoslavia, and SFOR, to apprehend and surrender such fugitives. In view of assurances from the authorities of Republika Srpska and the Federal Republic of Yugoslavia that they would apprehend indicted accused found on their territory and would surrender them to the Tribunal, the Prosecutor was prepared to place her trust in those authorities and proceeded to unseal most of the confidential indictments. Initially, the seal was lifted to enable the Prosecutor to serve the warrants of arrest and the indictments on the Republika Srpska and the Federal Republic of Yugoslavia, but when it subsequently appeared that many fugitives were not apprehended by those authorities, the Prosecutor decided to make the indictments public. The Federal Republic of Yugoslavia has shown its willingness to apprehend indicted accused; however, the Republika Srpska has not.

217. Consistent with this new policy, six previously sealed indictments were made public during the reporting period.

(a) In October 2000, the indictment involving Milan Lukić and Sredoje Lukić (confirmed on 26 October 1998) was unsealed to enable service of the arrests warrants on the Republika Srpska, but following a lack of action to arrest the accused, the indictment was made public at the end of July 2001. The two accused were indicted together with Mitar Vasiljević, whose trial was completed during the reporting period, for crimes committed in Višegrad. Both accused remain at large.

(b) On 2 October 2001, the names of the four accused charged in the "*Dubrovnik*" indictment (confirmed on 27 February 2001) were made public, following which one accused (Strugar) surrendered voluntarily on 21 October from Montenegro. A second accused (Miodrag Jokić) surrendered on 12 November from the Federal Republic of Yugoslavia. The indictment relates to the attacks on the Croatian city of Dubrovnik between 1 October and 31 December 1991 and the charges focus on the destruction of historic monuments and devastation not justified by military necessity. The trial of Strugar and Jokić has not been listed, which means it will be possible to join the one accused who remains at large if he is arrested or surrenders in a timely manner, namely Vladimir Kovačević.

(c) The indictment of Paško Ljubičić (confirmed on 27 September 2000) was made public on 30 October 2001, after which the accused surrendered to the Croatian authorities and was subsequently transferred to the Tribunal on 21 November. The accused is charged with crimes committed against the Bosnian Muslim civilian population in towns and villages in central Bosnia during 1992 and 1993.

(d) The indictment involving Drago Milošević (confirmed on 24 April 1998), a co-accused of Stanislav Galić, whose trial commenced on 3 December 2001, was made public on 2 November 2001. The accused remains at large and is charged with crimes against the civilian population of Sarajevo associated with the siege of Sarajevo by Bosnian Serb forces.

(e) The indictment against Savo Todović and Mitar Rašević (confirmed on 17 June 1997) was partially unsealed in October 2001 but, following the failure of the Republika Srpska and the Federal Republic of Yugoslavia to apprehend the accused, the indictment was made public in November 2001. The two accused, who are still at large, were indicted with Milorad Krnojelac, whose trial was completed during

the reporting period. This indictment involves crimes committed in the Foča KP Dom.

(f) In August 2001, the indictment against Vinko Pandurević (confirmed on 2 November 1998) was partially unsealed to enable the authorities of the Republika Srpska and the Federal Republic of Yugoslavia to apprehend the accused. However, following the failure of such action, the indictment was made public in December 2001. This indictment involved the crimes committed following the fall of the United Nations safe area of Srebrenica in 1995. The accused was accused jointly with General Krstić, who was convicted and sentenced during the reporting period. Pandurević remains at large.

3. Investigations

(a) General considerations

218. The Prosecutor's investigative strategy continues to be to prosecute the high-level leaders and notorious offenders responsible for the most serious crimes committed during the conflicts. Lower- and mid-level perpetrators should continue to be subject to local domestic prosecutions. With appropriate judicial reform and adequate witness protection facilities, it may be possible in the future for the Tribunal to remit some of its cases to such local domestic courts. However, provided sufficient evidence exists, the Prosecutor continues to believe that a lasting and stable peace in the Balkans will not be achieved unless the Tribunal brings to justice those high-level individuals who were responsible, as leaders on whatever side of the conflict, for the commission of crimes falling within the Tribunal's jurisdiction.

219. The Office of the Prosecutor continued to maintain six fully functioning field offices throughout the former Yugoslavia, with offices in Zagreb, Sarajevo, Banja Luka, Belgrade, Pristina and Skopje. These offices provided support for teams on mission from The Hague and also undertook substantive operational and liaison work.

(b) Review of the investigations

220. In November 2001, the Prosecutor reviewed all remaining investigations. Following that review and at the end of the reporting period, the Office of the Prosecutor had 25 remaining investigations to be completed by the end of 2004. All but one of them have already commenced and many are nearing completion, although nine are currently suspended due to lack of investigative resources. It is anticipated that these 25 investigations could result in approximately 30 new indictments and will involve approximately 100 accused. Approximately half of these indictments and accused could be remitted to the local courts in Bosnia and Herzegovina if the judicial reforms mentioned above are undertaken successfully.

(c) Indictments

221. Not counting the sealed indictments, the Prosecutor signed seven public indictments during the period under review. On 11 September 2001, an indictment against Sefer Halilović was confirmed. This accused is charged, on the basis of command responsibility, with murder (violation of the laws or customs of war) in respect of killings that occurred in the villages of Grabovica and Uzdol during 1993. The accused surrendered voluntarily to the Tribunal on 25 September, and in December 2001 was released provisionally pending the commencement of his trial. Two additional indictments involving the accused Slobodan Milošević were confirmed during the reporting period. The first, on 8 October 2001, concerns the accused's alleged responsibility for crimes committed in Croatia during the period from August 1991 to June 1992; and the second, which was confirmed on 22 November 2001, relates to similar crimes allegedly committed in Bosnia and Herzegovina, including genocide, during the period from March 1992 to December 1995. The Prosecutor also signed the indictment concerning Momir Nikolić, which was confirmed on 26 March 2002. It remained confidential until the accused's arrest by SFOR a few days later on 1 April. Nikolić is charged with complicity in genocide, crimes against humanity and violations of the laws or customs of war, in relation to events that took place following the fall of the United Nations safe area of Srebrenica, beginning on 4 July 1995. Further, the Prosecutor signed the indictments concerning Hadžihasanović, Mrdja and Deronjić on 5 July 2001 and 16 April and 3 July 2002 respectively.

222. There are a number of other accused on indictments which remain sealed; however, the number of such accused is not high. These indictments remain sealed to provide an opportunity for SFOR to apprehend the accused, following the complete failure of the Republika Srpska to apprehend and surrender one single accused, including Radovan Karadžić.

(d) Exhumations: 2001-2002

223. During 2001, the Prosecutor determined that exhumations undertaken by her Office in the former Yugoslavia would substantially end in 2001 and that thereafter only a limited forensic capability would be retained in the Office of the Prosecutor. This residual capacity would mainly have responsibility to monitor local exhumations undertaken by other organizations or States, but could also undertake some minor exhumations if that proved necessary. This strategy was pursued during the reporting period, and only one exhumation was undertaken by the Office during 2002, and one additional site was probed to determine the presence of human remains.

224. In particular, the Office of the Prosecutor carried out the exhumation of human remains from a mass grave in Kosovo, from which 27 bodies were recovered and DNA samples taken. The Office undertook the post-mortem examination of 979 bodies in Bosnia and Herzegovina and evidence relating to those victims will be used in several trials before the Tribunal. The Office also monitored five exhumations undertaken by the local authorities in Bosnia and Herzegovina (seven bodies recovered, but two grave sites had been robbed); monitored three exhumations and post-mortem examinations undertaken by Croatian authorities in Croatia (202 bodies recovered); and monitored one exhumation and post-mortem examination in the former Yugoslav Republic of Macedonia which was undertaken by the local authorities (10 bodies recovered). Further post-mortem examinations of recovered bodies will continue beyond the reporting period.

4. Cooperation

(a) Arrests

225. It has been reported previously that, to a large extent, the success of the Tribunal in the discharge of its mandate lies in the hands of Member States. The Prosecutor has once again spent considerable time encouraging and urging Governments to undertake the arrest and transfer of indicted accused. In that regard she has consulted with Governments inside and outside the former Yugoslavia. Unfortunately, the Republika Srpska has not arrested one accused. The Federal Republic of Yugoslavia has been more cooperative in this regard, but there are still significant numbers of high-level accused at large, including Karadžić and Mladić.

(b) Croatia

226. Cooperation on the part of the Croatian authorities continues to improve and the Prosecutor remains in direct contact with the Government of Croatia on a regular basis. Good cooperation was provided by the Government in connection with two exhumation projects conducted by the Office of the Prosecutor during 2001, enabling the Prosecutor to request Croatian authorities to conduct three exhumations on behalf of her Office during 2002. Despite considerable improvement in access to different archives and witnesses, problems still persist in gaining access to specific documents and witnesses. One accused (Gotovina) was allowed to escape following service of the arrest warrant on the Government, although another (Ljubičić) surrendered to the Croatian authorities and was subsequently transferred to The Hague.

(c) Federal Republic of Yugoslavia

227. Cooperation with the Federal Republic of Yugoslavia is complicated and varied, and is affected by the political instability within the coalition government. There is very little cooperation at the federal level; however, more cooperation is experienced at the Republic level in selected areas and on a case-by-case basis. The overall assessment is that cooperation is far from being full and proactive. During the reporting period, nine accused were surrendered to The Hague, six of whom came voluntarily. Most significantly, however, the Federal Parliament passed a law on cooperation with the Tribunal on 11 April 2002. Under the law, a national council for cooperation has been created which will have the responsibility for coordinating all Tribunal requests. The law has one substantial fault (art. 39), however, in that it prohibits the extradition to the Tribunal of any accused indicted after the law came into force. This is totally inconsistent with the obligations of the Federal Republic of Yugoslavia to cooperate fully with the Tribunal. At the end of the reporting period, many requests for assistance were still outstanding, in relation to access to evidence and documents and access to important witnesses. The authorities of the Federal Republic of Yugoslavia hold or have access to important information which would

assist the Prosecutor in her investigations and prosecutions, including bringing indictments against perpetrators who are responsible for crimes committed against Serb victims in Croatia, Bosnia and Herzegovina and Kosovo. While such information is withheld, it is more difficult for these indictments to be signed.

(d) Republika Srpska

228. Cooperation with the Republika Srpska remains unsatisfactory. One positive development was the passing of a law on cooperation with the Tribunal, on 2 October 2001. However, major obstacles to full cooperation remain, in particular in relation to the surrender of indicted accused, including Karadžić. Investigators and attorneys of the Office of the Prosecutor were initially being granted access to high-level witnesses in the Republika Srpska, namely former military and police personnel, as well as other witnesses, but towards the end of the reporting period cooperation in this area was diminishing. There is still much room for improvement in levels of cooperation generally. During the week of 2 June 2002, the Office of the Prosecutor (with the assistance of SFOR and the International Police Task Force) executed several search warrants simultaneously at nine locations within the territory of the Republika Srpska. The Republika Srpska police cooperated fully with the Prosecutor's staff during the searches and made it possible to search two additional locations without the need for search warrants. The police also were instrumental in defusing one incident with the public which had the potential of becoming a problem. Important evidence relevant to five of the Prosecutor's investigation teams was seized during the searches.

(e) The former Yugoslav Republic of Macedonia

229. Following the outbreak of an internal armed conflict in the former Yugoslav Republic of Macedonia in 2001 between the security forces of the former Yugoslav Republic of Macedonia and organized Albanian rebel groups, and in the light of allegations that war crimes were committed by both sides, the Prosecutor decided to exercise her mandated right to investigate such allegations. Initially she opened two investigations, in November 2001, and then three more, in April 2002. By doing so the Prosecutor exercised the Tribunal's primacy over the national courts. The Government and other authorities of the former Yugoslav Republic of Macedonia do cooperate with the Office of the Prosecutor in some minor problems and have assisted with two exhumation projects.

(f) Assistance in the territory of the former Yugoslavia

230. Working relationships with organizations throughout the territory of the former Yugoslavia remain essential to the success of the Prosecutor's mandate. SFOR continues to give support to the Office of the Prosecutor through the provision of security for her investigation missions, in the execution of search warrants and for mass grave exhumations. SFOR continues to apprehend indictees albeit at a reduced rate. The Kosovo Force (KFOR) has also given consistent assistance to the Prosecutor, particularly through logistical support for mass grave exhumations and other investigative activities.

231. The Prosecutor continues to enjoy close cooperation and support from other organizations in the region, in particular the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the Office of the High Representative in Bosnia and Herzegovina, the United Nations Mission in Kosovo (UNMIK) and the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and the European Union mission in the former Yugoslav Republic of Macedonia.

5. Other activities

(a) Universal Information System

232. During the reporting period substantial work was commenced on consolidating the various computer databases throughout the Office of the Prosecutor, streamlining processing procedures and making all information available to all operational staff through a Universal Information System. Important changes will enhance the Office's case management abilities and will improve efficiencies substantially. It is expected that the changes will have great benefits for defence counsel as well, as the Universal Information System will enable the Office to disclose evidence and other material to the defence in an electronic format (on CD-ROM), thereby providing defence counsel with electronic search capabilities. It is expected that this work will be completed during the first half of the next reporting period.

(b) Rules of the Road

233. In Rome, on 18 February 1996, the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina agreed on measures to strengthen and advance the peace process (Dayton Agreement). The parties agreed that "persons other than those already indicted by the International Tribunal may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal". The Prosecutor agreed to assist the parties with reviewing national prosecution files. No person could be arrested pursuant to a warrant or indictment without the prior expert review of the Tribunal. This is the framework for the "Rules of the Road" project which is funded by voluntary contributions and is managed by the Office of the Prosecutor.

234. During 2001, the Rules of the Road Unit reviewed 190 files involving 1,055 suspects. At the time of writing, the Unit had reviewed 54 files in 2002 involving 241 suspects.

235. The Unit continues to participate in lecture programmes in the region in order to increase its contacts with local prosecutors submitting files and to make a lasting contribution to improving standards. Also during the reporting period, the Unit started undertaking missions to the region to facilitate direct contacts between the local prosecutors submitting cases for review and to improve the quality of files being submitted for review.

(c) Evidence collection

236. The Office of the Prosecutor holds an extensive collection of evidence and related materials. The collection, as of June 2002, contained over 3.6 million pages, 3,900 videotapes and 1,250 audio tapes.

(d) Training

237. An advocacy training course was held in May 2002 for prosecutors at The Hague. The course was conducted by a trainer from the United States of America, who had donated his time. In-house training courses have been developed by the international legal advisers and are now given twice a year. The courses cover the history of the conflict, the warring factions, violations covered by the Statute, individual criminal responsibility and practice before the Tribunal.

V. Activities of the Registry

A. Office of the Registrar

238. The Registry of the Tribunal continued to exercise court management functions, provide administrative services to the Chambers and the Office of the Prosecutor and serve as the International Tribunal's channel of communication under the supervision of Mr. Hans Holthuis as the Registrar of the International Tribunal. Under his supervision the Registry continued its aforementioned core activities, including providing information to the media and the public, administering the legal aid system under which it assigns defence counsel to indigent accused and supervising the Detention Unit, which has received detainees of an increasingly higher profile. Operating under the supervision of the Registrar, the Deputy Registrar and the Chief of the Administration, the Registry continued to adopt innovative approaches to its diverse and increased tasks.

1. Immediate Office of the Registrar

239. In addition to the aforementioned activities, the Registrar, in emphasizing his role as the International Tribunal's "neutral messenger" under rule 33 of the Rules of Procedure and Evidence, has maintained diplomatic contacts with States and their representatives, with a view to ensuring the adoption of the first biennial budget of the International Tribunal for 2002-2003 as well as the negotiation of agreements for cooperation with the Tribunal, in addition to publicizing the International Tribunal's need for voluntary contributions to support its extrabudgetary activities. In September 2001, the Registrar travelled to the seat of the International Criminal Tribunal for Rwanda in Arusha to discuss matters of mutual interest and cooperation, resulting in a joint statement by both registrars to strive towards inter-tribunal cooperation in a variety of areas. The cooperation with the States of the former Yugoslavia also continued successfully during the reporting period, resulting in several arrests and voluntary surrenders.

2. Registry Legal Advisory Section

240. The Registry Legal Advisory Section continued to provide legal advice to the Registrar, the Chief of Administration and other senior Tribunal officials on the interpretation and application of legal instruments regarding the status, privileges and immunities of the International Tribunal, international agreements with the host country and other States, administrative legal issues and commercial contracts. In addition, senior officials of the Section attended meetings of the Preparatory Commission for the International Criminal Court and other relevant forums in that area, where they advised on the practical steps necessary in the context of setting up the Court.

241. During the reporting period, the Registry Legal Advisory Section conducted extensive discussions with the host country regarding the scope and application of the Tribunal's Headquarters Agreement and was instrumental in the conclusion of agreements by the Registry with the host country regarding the legal status of persons performing services for the Tribunal. Nonetheless, the International Tribunal continued to encounter difficulties with respect to the application and interpretation of its Headquarters Agreement and, more specifically, in relation to the privileges and immunities that Tribunal staff members receive in comparison to those working for other international organizations. In that respect, the Working Group on the relationship between the International Tribunal and the host country, established in 2001, continued its discussions.

242. Further legal support was provided in negotiations with individual States on enforcement of sentences and relocation of witnesses. An agreement on the enforcement of sentences was concluded with Denmark on 4 June 2002. In addition, three detainees were transferred to serve their respective imprisonment sentences in Spain: Stevan Todorović (transferred on 11 December 2001), Drago Josipović (transferred on 9 April 2002) and Vladimir Šantić (transferred on 11 April 2002). On 10 May 2002, Duško Sikirica and Damir Došen were transferred to Austria to serve their respective sentences. Negotiations for additional enforcement and relocation agreements are ongoing, and several agreements are expected to be concluded during the next reporting period.

243. The Registry Legal Advisory Section also assisted in the conclusion of numerous specialized commercial contracts. Research projects of the Section covered various areas of international and comparative law, including issues pertaining to the terms and conditions of judges, including ad litem judges, and a manual on the law and practice of the Local Committee on Contracts.

3. Public Information Services Section

244. The case of *The Prosecutor v. Slobodan Milošević* with its intense media, judicial and institutional interest, required the Tribunal in general and the Public Information Services Section in particular to mobilize an exceptional number of resources.

245. The case had a significant impact on three of the four areas of activity covered by the Section's units: the Press Unit (three posts), the Legal Unit (two posts), the Publications and Documentation Unit (three posts) and the Internet Unit (two posts).

(a) Press Unit

246. The structure and procedures set in place during previous years as well as the reflexes developed within the Unit enabled it to cope with the unprecedented media pressure. Two figures give an idea of the scale of this: the monthly average for press contacts, in the form of press releases or advisories, weekly press briefings or periodic press conferences, and informal and formal interviews with the Tribunal's authorized spokespersons, rose from 3,100 to 13,100.

247. The Tribunal's ability to project itself was enhanced by the availability of its main representatives to give interviews, of which the President, the judges, the Prosecutor, the Registrar and his principal staff members gave on average 60 a month. Thus a meeting with an official from the Tribunal was published by two press agencies around the world every day, making the period under review a true international media springboard for the institution and its work. Indeed, the *Union européenne de radiotélédiffusion* (UER, Eurovision) estimated that the opening of the *Milošević* trial on 12 February 2002 was seen on television by over 1 billion viewers.

(b) Legal Unit

248. The Unit continued to produce legal documents whose purpose is to keep all observers up to date on the progress of cases in the courtroom. It publishes a weekly summary of ongoing trials, statistical and

specific fact sheets on the indictments and current and upcoming trials, and a weekly bulletin reviewing the past week's hearings and announcing future ones. The documents were distributed as widely as possible in all available formats (paper, fax, e-mail, Internet).

249. The Unit published a monthly case-law review summarizing all the judgements and the most important substantive and procedural decisions and orders rendered by the Chambers. The review, the *Judicial Supplement*, was published in both working languages even though, despite its best efforts, the Section had increasing difficulty in providing French translations of the mainly English-language legal summaries, while a third of the readers are French-speaking (886). A study conducted in 2001-2002 revealed a high level of general satisfaction with the publication (approximately 80) which is distributed in both hard-copy and electronic formats and helps people stay informed about and study the case law of the Tribunal.

(c) Publications and Documentation Unit

250. The heightened public interest resulting from the *Milošević* case and the increase in the general number of trials led to the continued growth in requests for official copies of legal documents (5,158). The request caused a significant increase in the volume of Chambers documents which are provided to approximately 100 organizations and individuals (university libraries, international law study centres, researchers, international organizations). At the same time, the Unit oversaw a rise in the number of educational visits to the Tribunal by student groups and representatives of socio-professional groups (lawyers in training, judges, prosecutors, military personnel, etc.). In all, 143 groups numbering 3,539 visitors came to the Tribunal during the period, as compared with 123 groups numbering 2,766 visitors in 2000-2001.

251. Publications activity was dominated by the anticipated but brisk resumption in the production of the Tribunal's *Judicial Reports* in association with Kluwer Law International publishers. It is the only exhaustive and official annual compilation of the Tribunal's case law. The two volumes covering 1996 were published and put on sale while the two 1997 volumes were on the verge of going to press at the time of writing. The 1998 volumes are in progress. Each edition of the *Reports* is an improvement on that of the previous year, thanks to the suggestions of a Publications Committee on which the three organs of the Tribunal are represented.

252. The reporting period was also marked by the decision to interrupt the publication of the Tribunal's *Yearbooks* and *Basic Documents*. The funds allocated for the purpose in the budget had to be transferred to finance the setting up of the international press centre when the *Milošević* trial opened. Furthermore, both the *Yearbook* and the *Basic Documents* proved excessively expensive compared to the end-product, and sales were only in the dozens. However, these publications will be continued in a more economic and modern form as their contents will be transferred to the reorganized Internet site.

(d) Internet Unit

253. More than ever, the Internet established itself as an essential means of communication. The storage capacities, speed, interactivity and global nature of this technology made it possible to meet an increasing demand for information. For example, the Tribunal site had almost 534,600 hits per month on average (compared with 90,000 per month the previous period).

254. Journalist accreditation, press packs, information documents, legal documents, supplements, judgements and fact sheets are some of the ways in which the Internet enabled the Section to spread Tribunal-related information as widely as possible in real time and without any appreciable logistical limitation. For instance, 711 legal references were added to the hundreds of court documents already available.

255. The audio-visual possibilities provided by information technology were also exploited. The Internet Unit worked with a non-governmental organization and the Outreach Programme in broadcasting the hearings relating to all the cases before the Tribunal on the web. This service is now available in four languages (English, French, Bosnian/Croatian/Serbian and Albanian), two of which come with a complete recording of the hearings (English and Bosnian/Croatian/Serbian).

256. The abundance of information available on the Tribunal web site and the potential of computer technology make it vital to restructure the site's contents so as to make it easier to navigate around the site and to build in search engines to make it more practical. This will be one of the priorities of the Section in the forthcoming period.

4. Outreach Programme

257. Recognizing the critical importance to the success of the Tribunal that populations in the region of the former Yugoslavia are informed about and understand its work and significance, ICTY Outreach expanded its activities in the reporting period.

258. The programme maintains offices in Sarajevo, Zagreb, Pristina and Belgrade. These offices act as the Tribunal's main point of contact with the public in the territories of the former Yugoslavia. Their activities are coordinated by a small ICTY Outreach staff at The Hague.

259. ICTY Outreach strives to ensure that the activities of the Tribunal are transparent, accessible and intelligible to different communities in the former Yugoslavia. Failure to provide such basic information not only permits groups hostile to the Tribunal to project negative and inaccurate information about it, but militates against the Tribunal achieving one of its key missions of contributing to the restoration and maintenance of peace in the region.

260. During the reporting period, ICTY Outreach produced and widely distributed a significant number of key and basic Tribunal documents in Bosnian/Croatian/Serbian and Albanian. These included all public indictments, judgements, rules of procedure, press releases, leaflets, etc. Such materials have been made available in print form, on both CD-ROM and videos, as well as being placed on an extensive Bosnian/Croatian/Serbian section of the Tribunal web site managed by Outreach.

261. Further enhancing the availability of timely and accurate information on the Tribunal in languages of the region, ICTY Outreach has, with the technical assistance of the Public Information Services, established and maintains the live Internet broadcast of all public Tribunal court sessions. Audiences are able to follow trials in English, French, Bosnian/Croatian/Serbian or, in cases relevant to Kosovo, Albanian.

262. Seeking to address damaging negative perceptions in the region of the Tribunal as remote, disconnected and unresponsive, ICTY Outreach has sought to establish close contacts between the Tribunal and regional organizations, developing networks of groups and individuals. It engages local legal communities and non-governmental organizations, victims associations, truth and reconciliation bodies and educational institutions. Existing links with international intergovernmental and non-governmental organizations operating in the region have been strengthened to create a two-way channel of communication. In this regard, ICTY Outreach has overseen several major symposia in the region and ensured the participation of Tribunal representatives in numerous round tables, workshops and the like across the region. Separately, ICTY Outreach has arranged for groups of judges of the Tribunal to travel to the region of the former Yugoslavia to meet and discuss issues with fellow legal professionals. Significantly, ICTY Outreach has also brought persons and groups from the region of the former Yugoslavia to the seat of the Tribunal at The Hague to meet with Tribunal officials and view court proceedings at first hand.

263. As the public profile of Outreach offices in the region has risen, the number of media enquiries has significantly increased. Outreach representatives provide extensive support to the regional media, participating in numerous print, radio and television interviews as well as providing the media with other extensive assistance. A comprehensive monitoring system of regional media has been established.

264. The programme also plays an important role in tracking developments and reforms in domestic criminal justice systems, especially war crimes cases conducted by national authorities in the region.

265. ICTY Outreach highlights the work of the Tribunal as an agency of reconciliation in South-East Europe, playing its part in securing the rule of law for the benefit of all citizens of the region.

266. Since its inception in September 1999, ICTY Outreach has been funded exclusively through voluntary contributions. In the period under review, support was generously provided by the European Union, Norway, Finland and the Canadian International Development Agency.

5. Victims and Witnesses Section

267. The Section is part of the Registry and is thus a neutral office working to protect, support and meet the logistical needs of all witnesses who appear before the Tribunal, whether called by the prosecution, by the defence or by the Chambers. Where necessary, it provides victims and witnesses with counselling and assistance. It also undertakes to ensure that the safety and security needs of witnesses are adequately met and

informs them of the proceedings and of their reasonable expectations within those proceedings. The Section makes travel, accommodation, financial and other logistical and administrative arrangements for witnesses and accompanying persons and maintains close contact with the trial teams regarding all aspects of the witnesses' appearance before the Tribunal.

268. During the reporting period, approximately 590 witnesses and accompanying persons travelled to The Hague, predominately from the region of the former Yugoslavia. The majority of those witnesses were victim witnesses. To meet their needs, the Section continues to expand its collaboration with Member States and national and international humanitarian services. The requirement for protection services has increased due to both prosecution and defence counsel's seeking enhanced protection measures for witnesses before, during and after testimony. This has prompted the International Tribunal to continue its negotiations with States regarding the relocation of witnesses.

269. While the Section is funded through the regular budget of the Tribunal, it is also supported in its work through generous donations from Member States and the European Commission. During the reporting period, the European Commission contributed to the development of the protection services of the Section. In January 2002, the Section opened a field office in Sarajevo supported by specific donations from Canada and the United Kingdom of Great Britain and Northern Ireland. The office has a staff of three and their role in the region is to expand and enhance the services provided to witnesses, particularly those who are especially vulnerable or sensitive. It will be proposed that the Sarajevo field office be included in the main Tribunal budget for the period 2004-2005.

270. The Victims and Witnesses Section is headed by a Chief and is comprised of the Protection, Support and Operations components. The Section has a total of 35 staff members.

6. Voluntary contributions

271. In its resolution 47/235 of 14 September 1993, the General Assembly had invited Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

272. As at 15 May 2002, the Voluntary Fund has received approximately US$ 37.0 million in contributions to the Tribunal's activities:

Contributor	*Contribution (United States dollars)*
Austria	108 547
Belgium	74 892
Cambodia	5 000
Canada	2 007 171
Chile	5 000
Cyprus	4 000
Denmark	263 715
European Union/Carnegie Foundation	1 474 673
Finland	332 909
Germany	350 000
Hungary	2 000
Ireland	121 768
Israel	7 500
Italy	2 080 049
Liechtenstein	4 985
Luxembourg	219 163
Malaysia	2 500 000
Malta	1 500
MacArthur Foundation	200 000
Namibia	500
Netherlands	2 356 621
New Zealand	14 660
Norway	1 139 899
Pakistan	1 000 000
Portugal	20 000
Rockefeller Foundation	50 000
Saudi Arabia	300 000
Slovenia	10 000
Spain	13 725
Sweden	461 626
Switzerland	884 216
United Kingdom	4 434 266
United States of America	16 555 298
Utrecht University	2 196
Other public contributions	80 647

273. The capacity of the Tribunal to carry out its mandate was enhanced throughout the period by several in-kind donations. In 2001, the International Criminal Justice Resource Center donated five mobile communicators for the Victims and Witnesses Section valued at $3,600. In 2002, The Scottish Court Service donated 12 television monitors valued at $7,000 which will supplement those currently used by the Tribunal to broadcast court activities to the general public, the Tribunal staff and to accredited members of the press.

274. In addition, cash donations of $4.1 million and pledges totalling $660,300 were received during the reporting period.

275. The Rules of the Road project produced summary translations and indices of the tens of thousands of pages of materials submitted. Funding from donors has enabled work on the Rules of the Road to continue throughout the period, covering the costs of legal, translation, research and administrative staff for the project.

276. Contributions were received through the Voluntary Fund to assist the Tribunal with additional tasks arising from the conflict in Kosovo. The following activities continued to be funded during the period under Kosovo Operations: a Kosovo investigative team, a workload backfill project, a document exploitation project, assistance to local prosecutions, and administrative, financial and interpretative support staff for Kosovo Operations.

277. The Outreach Programme has focused its efforts on improving the external perception of the Tribunal, the activities of the Tribunal and the Chambers, in particular, and on communicating those activities more clearly to the peoples of the former Yugoslavia. Voluntary contributions assisted the project in expanding upon its work in the region. Funding was used to cover the costs of staff, the purchase of a vehicle for the field, general operating costs, and production and promotional costs.

278. During 2001, contributions directed to the exhumations project assisted with the establishment of a monitoring team which, together with the Bosnian Commission for Missing Persons, monitored and investigated secondary mass grave sites.

279. Contributions from the European Commission provided support to the Tribunal's Library, the Outreach Programme and the Office of Legal Aid and Detention Matters. The support enabled the library to further develop its collection of books, legal journals, and access to CD-based media and online legal databases. Funding for the Outreach Programme provided staff and resources to enable the programme to carry out its regular activities, as well as to conduct an orientation and training programme to familiarize defence counsel with the Tribunal and its rules and practices. In 2001, a further contribution was received from the Commission to enhance and expand the provision of protection services to victims and witnesses testifying at the Tribunal.

280. Contributions were received to enable the Victims and Witnesses Section to set up and maintain a liaison office in Sarajevo. The office will provide easier and expanded access of victims and witnesses to protection and support services before and after they testify at the Tribunal.

281. Contributions were received in 2002 in support of the following activities in the Office of the Prosecutor: evidence unit backlog project, negative scanning backlog project, translation project and trial support for the Kosovo team.

282. Other activities included the continued employment of one person to investigate demographic changes in Bosnia and Herzegovina and of a political officer to provide additional support to the Prosecutor in her efforts to persuade Governments to arrest persons indicted for war crimes; a military analyst to provide additional support to the Prosecutor in the analysis of military documents and specialized input into the upcoming trials; and witness support, including medical services and contingency clothing.

B. Judicial Support Division

283. The principal activity of the sections and groups of the Division are described below.

1. Court Management and Support Services Section

284. The Court Management and Support Services Section is primarily responsible for the coordination and implementation of the preparatory and organizational judicial support tasks for the conduct of courtroom hearings. The responsibilities of the section include: coordinating the schedules and use of courtroom facilities; implementing court decisions and

orders; drafting the court-related decisions and submissions of the Registrar; filing, indexing and distributing all case documents; managing the (release of) transcripts of all hearings; arranging and setting priorities for interpretation and translation; maintaining and updating the calendar of scheduled hearings; handling and maintaining original court exhibits; preparing procedural minutes; registering and retaining custody of briefs, motions, orders, decisions, judgements and sentences; maintaining the Tribunal's Record Book; and storage of judicial documents.

285. These tasks are implemented by the three units within the Section: the Court Unit (court officers, court records assistants and courtroom clerks), the Transcript Unit (text-processing clerks) and the Judicial Archives Unit.

286. The workload of the Court Management and Support Services Section significantly increased during the reporting period due to the increase in the number of trials being held simultaneously. The court activity has increased from three trials to six trials a day in the three courtrooms, as a consequence of the arrival of the ad litem judges.

287. Additional pre-trial activity was generated with the recent adoption of amendments to the Rules of Procedure and Evidence, focusing on promoting active pre-trial management. Pursuant to rule 65 ter (D) and (H), the Senior Legal Officers and Pre-Trial Judge have held pre-trial meetings with the parties. The Court Unit is actively involved in the coordination of the scheduling of these pre-trial meetings and is assisting in providing all facilities required for setting up these meetings.

288. Furthermore, in view of the fact that the Trial Chambers have been to a greater extent utilizing the taking of depositions and video-links, the Section has accordingly been responsible for the coordination and implementation of depositions and video-links in the former Yugoslavia and other States where witnesses reside. As a result it has been providing on a frequent basis Registry representatives to coordinate and oversee these procedures.

289. During the reporting period, rule 92 bis, which governs the admissions of witness statements in lieu of oral testimony, has been increasingly implemented in several cases. Representatives from Court Management were therefore appointed by the Registrar to act as the presiding officer of this procedure.

290. The Section has also focused on further improving both internal and external access to non-confidential documents. In this connection, a so-called "court management system" has been developed during the reporting period and will become operational in the near future. The idea is to set up a judicial database for the use of the Tribunal as a whole in order to facilitate an efficient access and research of all judicial documents.

291. There has also been a concerted effort to improve the exchange of information between the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. In accordance with the decision of the ICTR plenary session to establish an "annex" Registry at in The Hague to facilitate the exchange and registration of documents from ICTR, a court records officer has been recruited and posted to The Hague to track, verify and expedite appeals documentation for ICTR.

2. Chambers Legal Support Section

292. This reporting period was marked by the arrival of nine ad litem judges and the commencement of six trials running simultaneously, giving rise to a commensurate increase in appeals proceedings. The Appeals Chamber has also been strengthened with the arrival of two additional judges from ICTR who serve on the Appeals Chambers of both Tribunals. The total number of cases pending in the Trial and Appeals Chambers is now 34 (6 trial, 13 pre-trial and 15 appeal cases). Five trials and sentencing proceedings and 31 appeals (3 from judgement, 26 interlocutories and 2 reviews) were completed within the reporting period.

293. In order to provide a minimum level of support to each trial section, the Section has been reorganized so that the day-to-day support for each ongoing trial is now provided by a Legal Officer (P-3) assisted by a team consisting of the three Associate Legal Officers (P-2) assigned to the judges in that trial, plus one Associate Legal Officer (P-2) assigned to the Chamber as a whole, under the overall supervision of the Senior Legal Officer (P-5). The support structure for the Appeals Chamber has also been revised to provide for the increased number of appeals.

294. The legal support for each Chamber is supervised by the Senior Legal Officer. In addition to the pre-trial management responsibilities described in paragraph 295, the Senior Legal Officer is responsible for

providing legal guidance to the staff working within Chambers, to ensure as far as possible consistency in the functioning among and within the Chambers, and undertakes many administrative and management responsibilities. The Legal Officer is responsible for the daily management of the trial and coordinates with the judges, the Senior Legal Officer and the Associate Legal Officers on legal issues, the disposition of motions, management of evidence and the preparation and writing of judgements.

295. The period under review has also seen the active implementation of the substantial additional responsibilities assigned to the Senior Legal Officers of the Section in respect of pre-trial management. Pursuant to rule 65 ter (D) and under the authority and direction of the Pre-Trial Judge, the Senior Legal Officers now oversee the practical implementation of and compliance with the rules governing pre-trial management. In particular this entails convening and chairing meetings with the parties, on an approximately monthly basis, to discuss and facilitate matters such as performance of disclosure obligations, preparation of translations and the resolution of other practical issues. Each Senior Legal Officer in the Trial Chambers is responsible for up to five cases at the pre-trial phase and the Senior Legal Officer assigned to the Appeals Chamber is responsible for nine cases, plus all interlocutory appeals. A substantial degree of preparation and time is required for each one of these.

296. The Section continues to coordinate the work of the Chambers and to provide assistance with legal research, drafting and preparation of documents in both working languages and with internal administration. It assists the judges in plenary session and the Bureau whenever there are questions concerning Chambers as a whole and provides secretariat support to a number of committees established by the judges, such as the Rules Committee.

3. Office of Legal Aid and Detention Matters

297. The Office of Legal Aid and Detention Matters is responsible for managing the legal aid accorded to the indigent and legal matters relating to the detention of the accused.

298. Following the report drawn up by the Office of Internal Oversight Services and faced with the need to ensure better management of legal aid, the Office of Legal Aid and Detention Matters worked on a plan to establish an association of defence counsel and on a plan to amend the Code of Professional Ethics for legal counsel appearing before the International Tribunal.

299. A working group consisting of four counsel practising before the Tribunal, a representative of the Netherlands Bar and a representative of the Registry of the International Tribunal finalized the draft statute for the future association of counsel practising before the Tribunal. The principal objectives of the association will be to assist defence counsel in performing their duties and thereby helping them to represent their clients more effectively, to assist the Tribunal in any amendment to the Rules of Procedure and Evidence and, finally, to ensure that counsel perform their obligations in accordance with the Rules in force at the Tribunal. The association will promote the control and respect of the Code of Professional Ethics applicable to counsel. At the same time, recently adopted amendments to the Code introduce disciplinary provisions to sanction breaches of the rules of professional ethics and, in particular, fee-splitting between counsel and client. The two drafts, which were submitted to the judges for consideration at the plenaries in December 2001 and April 2002 were adopted at the plenary held in July 2002.

300. In accordance with the recommendations drawn up by the Office of Internal Oversight Services and following the appointment of an investigator to its team, the Office of Legal Aid and Detention Matters is considering amending the Direction on the Assignment of Defence Counsel to strengthen the monitorial and investigative authority of the Registry with regard to the financial status of the indigent accused seeking assignment of counsel. The procedure for verifying the invoices submitted by counsel to justify their fees must also be reviewed in order to reduce the instances of spurious invoices.

301. It will be necessary to organize a second training course for defence counsel newly appointed by the Registry to be appearing before the Tribunal. The course will provide counsel coming mainly from the former Yugoslavia with in-depth training on the Rules of Procedure and Evidence of the Tribunal, humanitarian law and the adversarial nature of the proceedings. There are currently 380 such counsel speaking one of the two working languages of the Tribunal who seek assignment at the Tribunal.

302. The Office of Legal Aid and Detention Matters is also considering a revision of the Rules of Detention. This plan seeks to rationalize all the existing rules and review the procedure for visits and communication with the detainees.

4. Detention Unit

303. The Unit now has the capacity to hold 68 detainees with adequate staffing and resources to provide a remand programme in keeping with international and European standards.

304. The number of staff has increased commensurately with the increased workload during the reporting period. It currently stands at 65 guards, supplied through the Netherlands prison service and financed through the "product-price" agreement. It is augmented by one guard supplied through the Government of Austria and three through the Government of Denmark in order to maintain the international nature of the Unit.

5. Library

305. The Tribunal Library serves as a resource and research centre for the different organs of the Tribunal as well as the defence counsel.

306. During the reporting period, the Library received a third grant from the European Union through the Carnegie Foundation to develop and expand its services. Furthermore, the Library has continued a project initiated using the previous EU grant to identify and collect documentation on national, substantive and procedural criminal law.

307. The Library has continued to expand its activities and improve its service to users during the reported period. The collection of books, law journals and documents on legal/judicial topics has continued to grow, as has the number of requests for research services.

C. Administration

1. Budget and Finance Section

308. At its 89th plenary meeting on 23 December 2000, the General Assembly adopted resolution 55/225 A, in which it decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia a total of $108,487,700 gross ($96,443,900 net) for 2001. By the same resolution, the Assembly decided to biennialize the Tribunal's budget on an experimental basis as from 2002.

309. The Security Council, in its resolution 1329 (2000) of 30 November 2000, decided to amend the Statute of the Tribunal to allow for the establishment of a pool of ad litem judges in order to enable it to expedite the conclusion of its work at the earliest possible date.

310. On 12 April 2001, the General Assembly adopted resolution 55/225 B, in which it authorized the Secretary-General to enter into commitments in an amount not to exceed $5,280,900 gross ($4,899,400 net) for the resource requirements of the Tribunal to support ad litem judges for 2001, bringing the total resource requirements of the Tribunal in 2001 to $113,768,600 gross ($101,343,300 net). The staffing level approved for 2001 was 968 posts.

311. The expenditures recorded during 2001 totalled $112,665,400 gross ($99,761,300 net), resulting in savings of $1,103,200 gross ($1,582,200 net), representing 1.0 and 1.6 per cent of total resources, respectively.

312. On 23 October 2001, the Secretary-General submitted his report on the financing of the Tribunal (A/56/495 and Corr.1 and Add.1), containing the proposed budget for the biennium 2002-2003. The requirements amounted (after recosting) to $256,241,300 gross ($229,787,800 net), including 132 new posts.

313. The Advisory Committee on Administrative and Budgetary Questions, in its report (A/56/665) dated 28 November 2001, recommended reductions of $7,227,700 gross ($6,554,700 net) to the estimates reflected in the Secretary-General's budget and endorsed 90 new posts for the biennium 2002-2003.

314. At its 92nd plenary meeting, on 24 December 2001, the General Assembly, having considered the report of the Fifth Committee (A/56/730 and Corr.1), adopted resolution 56/247 A, in which it decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia, on a provisional basis, subject to further review at its resumed fifty-sixth (March 2002) session, a total amount (after recosting) of $242,791,600 gross ($218,216,300 net) for the biennium 2002-2003. By the same resolution, the Assembly also decided that the staffing table for

the Tribunal should remain at levels approved for 2001 until further review at its March 2002 session.

315. At its 97th plenary meeting, on 27 March 2002, the General Assembly adopted resolution 56/247 B, approving a revised appropriation (after recosting) of $248,926,200 gross ($223,169,800 net) for the Tribunal for the biennium 2002-2003, which included resources for the continuation of oversight functions at the Tribunal for the remainder of the biennium. The Assembly also approved a revised staffing table of 1,052 authorized posts for the biennium 2002-2003, representing an increase of 84 posts vis-à-vis the 2001 staffing table.

2. Human Resources Section

316. The Human Resources Section has been kept exceptionally busy during the reporting period. At the end of May 2002, the Section had processed 10,800 applications over the previous 12 months. In addition to actual recruitment, Human Resources Section oversees the administration of a total of 1,191 staff members. This includes 521 at the Professional level (39 per cent of whom are female) and 670 at the General Service level. In the same 12-month period, 323 new staff members had been recruited, 86 of them internationally. The Tribunal currently has staff members from 86 different countries. A total of 98 other personnel have provided services to the Tribunal (mainly interns). The number of short-term appointments (court reporters and conference interpreters) for the period totalled 497. The number of consultants and individual contractors (field interpreters, expert witnesses, exhumation project personnel, and witness assistants) totalled 676. Over 400 staff members have taken part in in-house training courses, while 53 staff attended specialized technical training. The Human Resources Section has also overseen the introduction of the new Performance Appraisal System and undertaken the classification of 22 Professional and 45 General Service jobs.

3. Conference and Language Services Section

317. The in-house capacities of the Conference and Language Services Section were fully used both in translation and in interpretation. As deadlines and workload were increasing continuously, the Section had to rely also on outside contractors for the timely provision of its services.

318. In order to respond to the evergrowing demand for language-related services in translation, consecutive and simultaneous interpretation, the Section organizing a greater number of competitive examinations in translation and interpretation both at The Hague and abroad. The total number of examinations held to fill language-related posts during the period was 444.

319. Finding qualified translators and interpreters willing to take up a one-year assignment at The Hague continued to be the main concern of the Section, especially with regard to French as the target language, given the strong competition the Tribunal faces from other international organizations seeking to recruit this profile of professionals.

320. The Conference and Language Services Section continues to provide transcripts of all courtroom proceedings in English and French, with a view to ensuring the highest quality of service in the most cost-effective manner.

4. General Services Section

321. The General Services Section provides a broad range of basic support services to all divisions of the Tribunal and to all staff members, which now number over 1,200. This support includes the provision of travel services, personal effects shipments, visa and entitlements, logistics, supply stores operation, vehicle fleet management, reprographic services, and a complete range of building management services, to its operations in The Hague as well as to its field operations. During the reporting period, the Section completed the reorganization and rationalization of its service functions and workload distribution to accommodate the increasing demand for services. It also entered into a demanding schedule of projects to upgrade and bring online the third building for the Tribunal's operations scheduled for completion in the summer of 2002.

5. Information Technology Services Section

322. The Information Technology Services Section provides basic infrastructural support to all divisions of the Tribunal. This support includes the provision of computer, network, telephone and audio-visual services and equipment. During the reporting period, the Section was able to respond to the increased demands for its services and supported increased courtroom

activity without a commensurate increase in the resources available.

6. Security and Safety Section

323. Under the new budget, the Security and Safety Section has expanded further and now has a total of 160 posts, representing 27 nationalities, still the largest section in the Tribunal. The range of tasks confronting the Service remains substantial, with officers deployed to all Tribunal field offices, as well as the three buildings used by the Tribunal at The Hague. The additional manpower allocated to the Section is also welcome in view of the extension of courtroom hours caused by the inception of the practice of conducting six trials daily.

VI. Conclusion

324. During the period under review, the International Tribunal witnessed the implementation and completion not only of the internal reforms started in 2000 but also of unprecedented external reforms. The "ad litem judges reform" demonstrated its effectiveness and enabled the Tribunal to deal with its cases more rapidly. As detailed in the present report, the Tribunal is now operating at full capacity and is conducting six simultaneous first instance trials every day. In furtherance of the first instance reforms embarked upon, an extensive reform of the Appeals Chamber was also implemented. Moreover, the judges accepted the principle of establishing an international criminal bar for defence counsel and discussed how it would operate. The process of reflection undertaken on the Tribunal's completion strategy represents a true challenge for both the Tribunal itself and the international community, in that it includes the national courts in the work of building peace and reconciliation in the region.

325. In order to cope with the foreseeable rise in the number of cases on appeal, the Appeals Chamber is being reformed, with a view to reinforcing its structure and enhancing its operation. Amendments to the Rules of Procedure and Evidence and the adoption of Practice Directions allowed some of the difficulties encountered in appeals proceedings to be resolved. The reform should moreover ensure that the case law of the Appeals Chambers of the Tribunal and ICTR is more consistent and that their working methods are rationalized. Lastly, the setting in place of a cooperation agreement between the two Tribunals will promote an institutional rapprochement of the two Appeals Chambers. The need to create an organ bringing together defence counsel in an international association was also taken into consideration. With that in mind, the Judges of the Tribunal examined the Registry's proposal to establish an international criminal bar for defence counsel which will ensure respect for their independence and professional ethics and provide them with ongoing training in international humanitarian law.

326. In addition, during the period, the Tribunal, mindful of its ad hoc status, entered into a process of joint reflection involving its three principal organs in order to honour the commitments it made to the Security Council, that is, to complete the investigations in 2004 and first instance trials in 2008. In that regard, the gradual re-establishment of democratic institutions in the States of the former Yugoslavia and the reforms of the judicial systems undertaken with the international community's assistance made it possible to contemplate the implementation of a process of referral of certain cases to national courts. From this perspective, the Tribunal intends to concentrate its activity on trying the major political and military leaders and referring cases involving intermediary-level accused to national courts, in particular, those of Bosnia and Herzegovina. Thus, the President and Prosecutor advocated the establishment of a chamber with jurisdiction to try the accused whose cases the International Tribunal will refer within the State Court of Bosnia and Herzegovina. They also proposed that the local court personnel, prosecutors and judges receive training in international humanitarian law since this law is constantly evolving and becoming increasingly complex. Since they must ensure that the national courts operate in all fairness with respect for the international norms for the protection of human rights and in keeping with the Statute of the Tribunal, the President and the Prosecutor considered the possibility of international observers and judges participating in the work of the national courts.

327. The International Tribunal cannot perform alone the work of justice and memory required for rebuilding a national identity. Consequently, it encouraged the States of the former Yugoslavia to take parallel action so that they fully participate in bolstering the work of justice accomplished and, by the same token, building peace and reconciliation in the region, a vital process.

The reforms related to the Tribunal's completion strategy thus put forward a model of complementary justice which involves domestic courts in the work of international courts.

328. Moreover, the effective and rapid arrest of the accused at large is a sine qua non if this strategy is to be properly carried out, and remains dependent on unfailing international cooperation. Indeed, only if all the actors concerned cooperate fully with the Tribunal will it be able to accomplish the reforms already implemented and those now under consideration and thus complete the mandate given to it by the Security Council: to combat impunity and render justice to the victims of war crimes and crimes against humanity.

Annex I

International Tribunal for the Former Yugoslavia

38 indictments

76 indicted persons

4/11/94	**NIKOLIĆ ("SUŠICA CAMP")**
	Last amended 15/02/02.
IT-94-2	Dragan Nikolić: g., v., c.
13/2/95	**MEAKIĆ *ET AL.* ("OMARSKA CAMP")**
	Last amended 18/07/01.
IT-95-4	Željko Meakić: g., v., gen., c.
	Momčilo Gruban: g., v., c.
	Dušan Knežević: g., v., c. See also "*Keraterm camp*" (21/7/95)
13/2/95	**BOROVNICA ("PRIJEDOR")**
	Last amended 14/12/95.
IT-95-3	Goran Borovnica: g., v., c.
21/7/95	**SIMIĆ *ET AL.* ("BOSANSKI ŠAMAC")**
	Last amended 30/05/02.
IT-95-9	Blagoje Simić: g., c.
	Miroslav Tadić: g., c.
	Simo Zarić: g., c.
IT-95-9/2	**SIMIĆ ("BOSANSKI ŠAMAC")**
	Last amended 30/05/02
	Milan Simić: g., v., c.
21/7/95	**JELISIĆ AND ČEŠIĆ ("BRCKO")**
	Last amended 19/10/98.
IT-95-10	Goran Jelisić: v., gen., c.
	Ranko Češić: v., c.

21/7/95	**FUŠTAR *ET AL.* ("KERATERM CAMP")**
	Last amended 3/1/01.
IT-95-8/1	Dušan Fuštar: g., v., c.
	Predrag Banović: g., v., c.
	Dušan Knežević: g., v., c. See also "Omarska Camp" (13/2/95)
25/7/95	**MARTIĆ ("ZAGREB BOMBING")**
IT-95-11	Milan Martić: v.
25/7/95	**KARADŽIĆ AND MLADIĆ ("BOSNIA AND HERZEGOVINA")**
IT-95-5	Radovan Karadžić: g., v., gen., c. See also "Srebrenica" (16-11-95)
	Ratko Mladić: g., v., gen., c. See also "Srebrenica" (16-11-95)
25/7/95	**RAJIĆ ("STUPNI DO")**
IT-95-12	Ivica Rajić: g., v.
7/11/95	**MRKŠIĆ *ET AL.* ("VUKOVAR HOSPITAL")**
	Last amended 2/12/97.
IT-95-13	Mile Mrkšić: g., v., c.
	Miroslav Radić: g., v., c.
	Veselin Šljivančanin: g., v., c.
10/11/95	**BLAŠKIĆ ("LAŠVA VALLEY")**
	Last amended (corrigendum) 16/3/99.
IT-95-14	Tihomir Blaškić: g., v., c.
10/11/95	**KORDIĆ AND ČERKEZ ("LAŠVA VALLEY")**
	Last amended 30/9/98.
IT-95-14/2	Dario Kordić: g., v., c.
	Mario Čerkez: g., v., c.
10/11/95	**MARINIĆ ("LAŠVA VALLEY")**
	Kept secret until disclosure on 27/6/96.
IT-95-15	Zoran Marinić: g., v.

16/11/95	**KARADŽIĆ AND MLADIĆ ("SREBRENICA")**
IT-95-18	Radovan Karadžić: v., gen., c. See also "Karadzić and Mladic" (25/7/95)
	Ratko Mladić: v., gen., c. See also "Karadzić and Mladic" (25/7/95)
21/03/96	**MUCIĆ *ET AL.* ("ČELEBIĆI CAMP")**
	Last amended 19/01/98
IT-96-21	Zdravko Mucić: g., v.
	Hazim Delić: g., v
	Esad Landžo: g., v.
26/6/96	**KUNARAC *ET AL.* ("FOČA")**
IT-96-23/2	Gojko Janković: v., c., *last amended 7/10/99*
	Dragan Zelenović: v., c., *last amended 7/10/99*
	Radovan Stanković: v., c., *last amended 7/10/99*
IT-96-23	Radomir Kovač: v. c., *last amended 1/12/99*
	Dragoljub Kunarac: v., c., *last amended 1/12/99*
IT-96-23/1	Zoran Vuković: v., c., *last amended 21/2/2000*
	(Kunarac, Kovač and Vuković appear together in cases IT-96-23 and IT-96-23/A).
13/3/97	**STAKIĆ**
	Kept secret until its disclosure on 23/3/01
	Last amended 11/4/02
IT-97-24	Milomir Stakić: gen., c., v.
17/6/97	**KRNOJELAC ("FOČA")**
	Kept secret until its disclosure on 15/6/98 ; last amended 25/06/01.
IT-97-25	Milorad Krnojelac: g., v., c.
	Savo Todović: g., v., c., *Kept secret until its disclosure on 29/11/01.*
	Mitar Rašević: g., v., c., *Kept secret until its disclosure on 29/11/01.*
26/8/98	**VASILJEVIĆ ("VIŠEGRAD")**
	Kept secret until its disclosure on 25/1/00 and 30/10/00.
	Last amended 20/07/01.
IT-98-32	Mitar Vasiljević: c., v.
	Milan Lukić: c., v.
	Sredoje Lukić: c., v.

2/11/98	**KRSTIĆ AND PANDUREVIĆ ("SREBRENICA–DRINA CORPS")**
	Kept secret until its disclosure on 2/12/98, last amended 27/10/99.
IT-98-33	Radislav Krstić: gen., v., c.
	Vinko Pandurević: v., gen., *Kept secret until its disclosure on 7/12/01.*
9/11/98	**KVOČKA *ET AL.* ("OMARSKA AND KERATERM CAMPS")**
	Last amended 26/10/00.
IT-98-30	Miroslav Kvočka: v., c.
	Mlado Radić: v., c.
	Milojica Kos: v., c.
	Zoran Žigić: v., c.
IT-98-30/1	Dragoljub Prcać: v., c.
	See also "Omarska camp" (13/2/95)
21/12/98	**NALETILIĆ AND MARTINOVIĆ ("TUTA AND ŠTELA")**
	Last amended 4/12/00.
IT-98-34	Mladen Naletilić: g., v., c.
	Vinko Martinović: g., v., c.
14/3/99	**BRĐANIN AND TALIĆ("KRAJINA")**
	Kept secret until its disclosure on 6/7/99.
	Last amended 20/12/99.
IT-99-36	Radoslav Brđanin: v., gen., c., g.
	Momir Talić: v., gen., c., g.
26/3/99	**GALIĆ AND MILOŠEVIĆ ("SARAJEVO")**
	Kept secret until its disclosure on 22/12/99.
IT-98-29	Stanislav Galić: v., c.
	Dragomir Milošević: v., c., *Kept secret until its disclosure on 2/11/01*
27/9/00	**LJUBIČIĆ**
	Kept secret until its disclosure on 31/10/01.
IT-00-41	Pasko Ljubičić: c., v.

17/12/00	**ZUPLJANIN ("KRAJINA")**
	Kept secret until its disclosure on 13/7/01.
	Stojan Zupljanin: gen., g., v., c.
27/2/01	**STRUGAR *ET AL.* ("DUBROVNIK")**
	Kept secret until its disclosure on 02/10/01.
IT-01-42	Pavle Strugar: v.
	Miodrag Jokić: v.
	Vladimir Kovačević: v.
19/3/01	**KRAJIŠNIK AND PLAVŠIĆ ("BOSNIA AND HERZEGOVINA")**
	Last amended 4/3/02.
IT-00-39 & 40	Momčilo Krajišnik: gen., c., v., g.
	Biljana Plašvić: gen., c., g., v.
08/6/01	**ADEMI ("MEDAK POCKET")**
	Kept secret until its disclosure on 25/07/01.
IT-01-46	Rahim Ademi: c., v.
08/6/01	**GOTOVINA ("OPERATION STORM")**
	Kept secret until its disclosure on 26/07/01.
IT-01-45	Ante Gotovina: c., v.
5/7/01	**HADŽIHASANOVIĆ *ET AL.* ("CENTRAL BOSNIA")**
IT-01-47	Enver Hadžihasanović: g., v.
	Mehmed Alagić:g., v.
	Amir Kubura: g., v.
12/9/01	**HALILOVIĆ ("GRABOVICA AND UZDOL")**
	Kept secret until its disclosure on 25/9/01.
IT-01-48	Sefer Halilović
01/02/02	**MILOŠEVIĆ ("KOSOVO, CROATIA AND BOSNIA AND HERZEGOVINA")**
	Joinder of cases on 01/02/02
IT-02-54-T	Slobodan Milošević:
	The Kosovo Indictment: v., c., 29/10/01.
	The Croatia Indictment: g., v., c., 8/10/01.
	The Bosnia and Herzegovina Indictment:gen., g., v., c., 22/11/01.

IT-99-37	**MILUTINOVIĆ ("KOSOVO")**
	Last amended on 29/10/01
29/10/01	Milan Milutinović: v., c.
	Nikola Šainović: v., c.
	Dragoljub Ojdanić: v., c.
15/1/02	**BLAGOJEVIĆ *ET AL.* ("SREBRENICA")**
	Joined with the Momir Nikolić case on17/5/02.
IT-02-60	Vidoje Blagojević: v., gen., c., *Kept secret until its disclosure on 10/8/01*
	Dragan Obrenović: gen., c., v., *Kept secret until its disclosure on 15/4/01*
	Dragan Jokić: c., v., *30/5/01, Kept secret until its disclosure on 15/8/01*
	Momir Nikolić: gen., c., v.
26/4/02	**MRDJA**
IT-02-59	Darko Mrdja: c., v.
03/07/02	**DERONJIĆ**
	Kept secret until its disclosure on 08/07/02
	Miroslav Deronjić: v., c.

Notes

g.: grave breach of the Geneva Conventions of 1949 (article 2 of the Statute of the Tribunal).

v.: violation of the laws or customs of war (article 3 of the Statute of the Tribunal).

gen.: genocide (article 4 of the Statute of the Tribunal).

c.: crime against humanity (article 5 of the Statute of the Tribunal).

The above accused are not all at the same stage of proceedings. Twenty remain at large (see annex III) while fifty-six accused or convicted persons are currently in proceedings at the Tribunal.

Annex II

List of persons detained at the United Nations detention unit: 46 detainees

Arrested (4)	Detained by international forces (20)	Surrendered voluntarily (17)	Transferred by States (6)
Zdravko MUCIĆ Mucić et al. Case (IT-96-21-A) Date of arrest: 18/3/96 (Vienna, Austria) Initial appearance: 11/ 4/ 96 Judgement: 16/ 11/ 98 Sentence: 7 years' imprisonment	Goran JELISIĆ Jelisić case (IT-95-10-A) Date of arrest by SFOR: 22/1/98 (Bijeljina, Bosnia and Herzegovina) Initial appearance: 26/1/98	Tihomir BLAŠKIĆ Blaškić case (IT-95-14-A) Date of voluntary surrender: 1/4/96 Initial appearance: 3/4/96	Vinko MARTINOVIĆ Naletilić et Martinović case (IT-98-34-PT) Date of transfer by the Croatian authorities: 9/8/99 Initial appearance: 24/3/00
Hazim DELIĆ Mucić et al. Case (IT-96-21-A) Date of arrest: 2/ 5/ 96 in Bosnia and Herzegovina Initial appearance: 18/6/96 Judgement: 16/11/98 Sentence: 20 years' imprisonment	Miroslav KVOČKA Kvočka et al. case (IT-98-30-1/T) Date of arrest by SFOR: 8/4/98 Initial appearance: 14/4/98	Dario KORDIĆ Kordić and Čerkez case (IT-95-14/2-A) Date of voluntary surrender: 6/10/97 Initial appearance: 8/ 10/ 97	Momir TALIĆ Brđanin and Talić case (IT-99-36-PT) Date of arrest and transfer by Austria: 25/8/99 Initial appearance: 31/8/99
Esad LANDŽO Mucić et al. Case (IT-96-21-A) Date of arrest: 2/5/96 in Bosnia and Herzegovina Initial appearance: 18/6/96 Judgement: 16/11/98 Sentence: 15 years' imprisonment	Mladen RADIĆ Kvočka et al. case (IT-98-30-1/T) Date of arrest by SFOR: 8/4/98 Initial appearance: 14/4/98	Mario ČERKEZ Kordić and Čerkez case (IT-95-14/2-A) Date of voluntary surrender: 6/10/97 Initial appearance: 8/10/97	Mladen NALETILIĆ Naletilić and Martinović case (IT-98-34-PT) Date of transfer by Croatian authorities: 21/3/00 Initial appearance: 24/3/00

Ranko CESIĆ Jelisic and Cesić case (IT-95-10) Date of arrest by Serbia: 25/05/02 Initial appearance: 20/06/02	Milojica KOS Kvočka et al. case (IT-98-30-1/T) Date of arrest by SFOR: 28/5/98 Initial appearance: 2/6/98	Milan SIMIĆ Simić et al. case (IT-95-9) Date of voluntary surrender: 14/02/98 Initial appearance: 17/02/98	Milomir STAKIĆ Stakić case (IT-97-24-PT) Date of transfer by authorities of FRY:[a] 23/3/01 Initial appearance: 28/3/01
	Milorad KRNOJELAC Krnojelac case (IT-97-25-T) Date of arrest by SFOR: 15/6/98 Initial appearance: 18/6/98	Miroslav TADIĆ Simić et al. case (IT-95-9) Date of voluntary surrender: 14/02/98 Initial appearance: 17/02/98	Slobodan MILOŠEVIĆ Milošević et al. case (IT-99-37-PT) Date of transfer by authorities of FRY: 28/6/01 Initial appearance: 3/7/01
	Radislav KRSTIĆ Krstić case (IT-98-33-T) Date of arrest by SFOR: 2/12/98 Initial appearance: 7/12/98	Simo ZARIĆ Simić et al. case (IT-95-9) Date of voluntary surrender: 24/02/98 Initial appearance: 26/02/98	Predrag BANOVIĆ Sikirica et al. case (IT-95-8) Date of transfer by authorities of FRY: 08/11/01 (Serbia) Initial appearance: 16/11/01
	Radoslav BRĐANIN Brđanin and Talić case (IT-99-36-PT) Date of arrest by SFOR: 6/7/99 Initial appearance: 12/ 7/ 99	Dragoljub KUNARAC Kunarac et al. case (IT-96-23 et 23/1-A) Date of voluntary surrender: 4/3/98 Initial appearance: 9/ 3/ 98	
	Radomir KOVAČ Kunarac et al. case (IT-96-23 et 23/1-A) Date of arrest by SFOR: 2/ 8/ 99 Initial appearance: 4/8/99	Zoran ŽIGIĆ Kvočka et al. case (IT-98-30/1-T) Date of voluntary surrender: 16/ 4/ 98 Initial appearance: 20/ 4/ 98	

	Stanislav GALIĆ Galić case (IT-98-29-PT) Date of arrest by SFOR: 21/12/99 Initial appearance: 29/12/99	Blagoje SIMIĆ Simić et al. case (IT-95-9-PT) Date of voluntary surrender:12/3/01 Initial appearance: 15/3/01	
	Zoran VUKOVIĆ Kunarac et al. case (IT-96-23 et 23/1-A) Date of arrest by SFOR: 23/12/99 Initial appearance: 29/12/99	Pasko LJUBIČIĆ Ljubičić case (IT-00-41) Date of voluntary surrender: 21/11/01 Initial appearance: 30/11/01	
	Mitar VASILJEVIĆ Vasiljević case (IT-98-32-PT) Date of arrest by SFOR: 25/1/00 Initial appearance: 28/1/00	Dusan FUSTAR Sikirica et al. case (IT-95-8/1) Date of voluntary surrender: 31/01/2002 Initial appearance: 6/02/02	
	Dragoljub PRCAČ Kvočka et al. case (IT-98-30/1-T) Date of arrest by SFOR: 5/3/00 Initial appearance: 10/3/00	Dragoljub OJDANIĆ Milutnović et al. case (IT-99-37) Date of voluntary surrender: 25/04/02 Initial appearance: 26/04/02	
	Momčilo KRAJIŠNIK Krajišnik case (IT-00-39 et 40-PT) Date of arrest by SFOR: 3/4/00 Initial appearance: 7/4/00	Nikola ŠAINOVIĆ Milutnović et al. case (IT-99-37) Date of voluntary surrender: 2/05/02 Initial appearance: 3/05/02	

	Dragan NIKOLIĆ Nikolić case (IT-94-2-PT) Date of arrest by SFOR: 22/4/00 Initial appearance: 28/4/00	Momčilo GRUBAN Meakić et al. case (IT-95-4) Date of voluntary surrender: 2/05/2002 Initial appearance: 10/05/2002	
	Dragan NIKOLIĆ Nikolić case (IT-94-2-PT) Date of arrest by SFOR: 22/4/00 Initial appearance: 28/4/00	Milan MARTIĆ Martić case (IT-95-11) Date of voluntary surrender: 15/05/02 Initial appearance: 21/05/2002	
	Dragan OBRENOVIĆ Blagojević et al. case (IT-02-60) Date of arrest by SFOR: 15/04/01 Initial appearance: 18/04/01	Mile MRKŠIĆ Mrkšći et al. case (IT-95-13a) Date of voluntary surrender:15/05/02 Initial appearance: 16/05/2002	
	Vidoje BLAGOJEVIĆ Blagojević et al. case (IT-02-60) Date of arrest by SFOR: 10/08/01 Initial appearance: 16/08/01	Dusan KNEŽEVIĆ Meakić et al. case (IT-95-4) Sikirica et al. case (IT-95-8/1) Date of voluntary surrender: 18/05/2002 Initial appearance: 24/05/2002	
	Momir NIKOLIĆ Blagojević et al. case (IT-02-60) Date of arrest by SFOR: 01/04/02 Initial appearance: 03/04/02		

	Darko MRDJA Mrdja case (IT-02-59) Date of arrest by SFOR: 13/06/02 Initial appearance: 17/06/02		
	Radovan STANKOVIĆ Kunarac et al. case (IT-96-23/2) Date of arrest by SFOR: 09/07/02 Initial appearance: 12/07/02		
	Miroslav DERONJIĆ Deronjić case (IT-02-61) Date of arrest by SFOR: 07/07/02 Initial appearance: 10/07/02		

[a] FRY: Federal Republic of Yugoslavia (Serbia and Montenegro).

Annex III

Persons publicly indicted by the International Tribunal who remain at large

Name of the accused	Date of indictment(s)	Last known place of residence
Željko Meakić	13/2/95	BH[a] (Republika Srpska)
Goran Borovnica	13/2/95	BH (Republika Srpska)
Radovan Karadžić	25/7/95, 16/11/95	BH (Republika Srpska)
Ratko Mladić	25/7/95, 16/11/95	BH (Republika Srpska)/ FRY[b]
Ivica Rajić	25/7/95	Place of residence unknown
Miroslav Radić	7/11/95	FRY
Veselin Šljivančanin	7/11/95	FRY
Zoran Marinić	10/11/95	BH (Republika Srpska)
Gojko Janković	26/6/96	BH (Republika Srpska, Foča)
Dragan Zelenović	26/6/96	BH (Republika Srpska, Foča)
Milan Lukić	26/08/98	Place of residence unknown
Savo Todović	17/06/97	FRY
Mitar Rašević	17/06/97	FRY
Sredoje Lukić	26/08/98	Place of residence unknown
Vinko Pandurević	2/11/98	BH (Republika Srpska)
Milan Milutinović	29/10/01	FRY
Dragomir Milošević	26/03/99	FRY
Ante Gotovina	08/06/01	Croatia
Stojan Župljanin	17/12/00	BH (Republika Srpska)
Vladimir Kovačević	27/02/01	FRY

[a] BH: Bosnia and Herzegovina.
[b] FRY: Federal Republic of Yugoslavia (Serbia and Montenegro).